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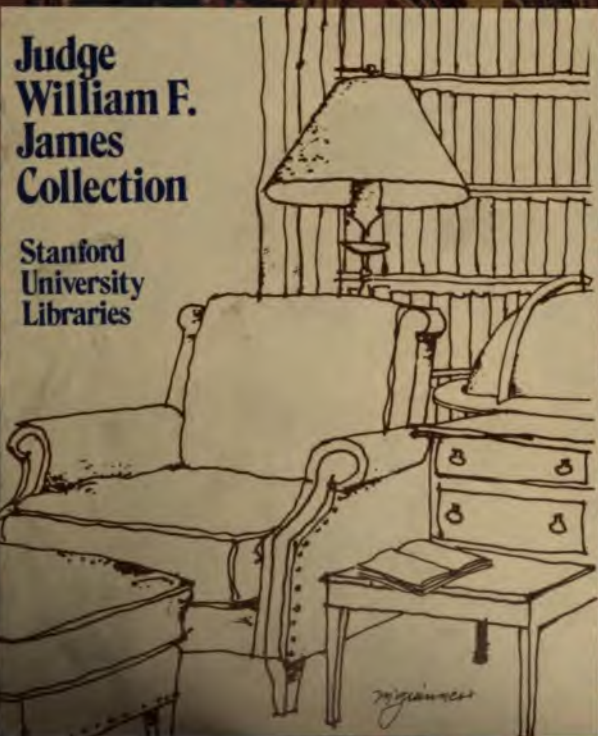
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CLAUDE LAURIE MARKS.



THE HISTORY
OF THE
REBELLION AND CIVIL WARS
IN
ENGLAND,

TOGETHER WITH
AN HISTORICAL VIEW OF THE AFFAIRS OF IRELAND,

BY
EDWARD EARL OF CLARENDON,

NOW FOR THE FIRST TIME CAREFULLY PRINTED FROM THE
ORIGINAL MS. PRESERVED IN THE BODLEIAN LIBRARY.

TO WHICH ARE SUBJOINED
THE NOTES OF BISHOP WARBURTON.

IN SEVEN VOLUMES.

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A TRUE
HISTORICAL NARRATION
OF THE
REBELLION AND CIVIL WARS
IN ENGLAND

BEGUN IN THE YEAR 1641, WITH THE PRECEDENT PASSAGES
AND ACTIONS THAT CONTRIBUTED THEREUNTO.

BOOK V.

1 **A**S soon as the king came to York, which was about the end of the year 1641, and found his reception there to be equal to his expectation, the gentry, and men of ability of that great and populous county, (some very few excepted,) expressing great alacrity for his majesty's being with them, and no less sense of the insolent proceedings of the parliament; whereupon he resolved to treat with the two houses in another manner than he had done, and to let them clearly know, "that as he would deny them nothing that was fit for them to ask, so he would yield to nothing that was unreasonable for him to grant; and that he would have nothing extorted from him that he was not very well inclined to consent to." So, within few days after his coming thither, he sent a declaration (which he caused to be printed, and, in the frontispiece, recommended to the consideration

of all his loving subjects) to them, in answer to that presented to him at Newmarket some days before : he told them,

- 2 “ That though that declaration presented to him at Newmarket from both houses of parliament [was] of so strange a nature, in respect of what he expected, (after so many acts of grace and favour to his people,) and some expressions in it so different from the usual language to princes, that he might well take a very long time to consider it ; yet the clearness and uprightness of his conscience to God, and love to his subjects, had supplied him with a speedy answer ; and his unalterable affection to his people prevailed with him to suppress that passion, which might well enough become him upon such an invitation. He said, he had considered his answer of the first of that month at Theobalds, which was said to have given just cause of sorrow to his subjects : but, he said, whoever looked over that message, (which was in effect to tell him, that if he would not join with them in an act which he conceived might prove prejudicial and dangerous to him and the whole kingdom, they would make a law without him, and impose it upon his people,) would not think that sudden answer could be excepted to. He said, he had little encouragement to replies of that nature, when he was told of how little value his words were like to be with them, though they came accompanied with all the actions of love and justice, (where there was room for actions to accompany them ;) yet he could not but disavow the having any such evil counsel or counsellors about him, to his knowledge, as were mentioned by them ; and, if any such should be discovered, he would leave them to the censure and judgment of his parliament. In the mean time he could wish, that his own immediate actions, which he did avow, and his own honour, might not be so roughly censured and wounded under that common style of evil counsellors. For his faithful and zealous affection to the true protestant profession, and his resolution to concur with his parliament in any possible course for the propagation of it and the suppression of popery, he said he could say no more than he had already expressed in his declaration to all his loving subjects, published in January last, by the advice of his privy council ; in which

he endeavoured to make as lively a confession of himself in that point as he was able, being most assured, that the constant practice of his life had been answerable thereunto: and therefore he did rather expect a testimony and acknowledgment of such his zeal and piety, than those expressions he met with in that declaration of any design of altering religion in this kingdom. And he said, he did, out of the innocency of his soul, wish, that the judgments of Heaven might be manifested upon those who have or had any such design.

- 3 “As for the Scots’ troubles, he told them, he had thought that those unhappy differences had been wrapped up in perpetual silence by the act of oblivion; which, being solemnly passed in the parliaments of both kingdoms, stopped his own mouth from any other reply, than to shew his great dislike for reviving the memory thereof. He said, if the rebellion in Ireland, so odious to all Christians, seemed to have been framed and maintained in England, or to have any countenance from hence, he conjured both his houses of parliament, and all his loving subjects whatsoever, to use all possible means to discover and find such out, that he might join in the most exemplary vengeance upon them that could be imagined. But, he told them, he must think himself highly and causelessly injured in his reputation, if any declaration, action, or expression of the Irish rebels, any letter from the count Rozetti to the papists for fasting and praying, or from Tristram Whetcomb, of strange speeches uttered in Ireland, should beget any jealousy or misapprehension in his subjects of his justice, piety, and affection: it being evident to all understandings, that those mischievous and wicked rebels are not so capable of great advantage, as by having their false discourses so far believed, as to raise fears and jealousies to the distraction of this kingdom; the only way to their security. He said, he could not express a deeper sense of the sufferings of his poor protestant subjects in that kingdom, than he had done in his often messages to both houses; by which he had offered, and was still ready, to venture his royal person for their redemption; well knowing, that as he was in his own interests more concerned in them, so he was to make a strict account to Almighty God for any neglect of his duty, or their preservation.

4 “ For the manifold attempts to provoke his late army, and the army of the Scots, and to raise a faction in the city of London, and other parts of the kingdom, if it were said as relating to him, he could not without great indignation suffer himself to be reproached to have intended the least force or threatening to his parliament; as the being privy to the bringing up of the army would imply. Whereas, he called God to witness, he never had any such thought, or knew of any such resolution concerning his late army. For the petition shewed to him by captain Leg, he said, he well remembered the same, and the occasion of that conference. Captain Leg being lately come out of the north, and repairing to him at Whitehall, his majesty asked him of the state of his army; and, after some relation of it, he told his majesty, that the commanders and officers of the army had a mind to petition the parliament, as others of his people had done, and shewed him the copy of a petition; which he read, and finding it to be very humble, desiring the parliament might receive no interruption in the reformation of the church and state to the model of queen Elizabeth's days, his majesty told him that he saw no harm in it; whereupon captain Leg replied, that he believed all the officers of the army would like it; only, he thought, sir Jacob Ashley would be unwilling to sign it, out of fear that it might displease him. His majesty then read the petition over again; and observing nothing in matter or form he conceived could possibly give just cause of offence, he delivered it to him again, bidding him give it to sir Jacob Ashley, for whose satisfaction he writ C. R. upon it, to testify his approbation; and he wished that the petition might be seen and published, and then he believed it would appear no dangerous one, nor a just ground for the least jealousy or misapprehension.

5 “ For Mr. Jermyn, he said, it was well known that he was gone from Whitehall before he received the desire of both houses for the restraint of his servants; neither returned he thither, or passed over by any warrant granted by him after that time. For the breach of privilege in the accusation of the lord Kimbolton, and the five members of the house of commons, he told them, he thought, he had given so ample satisfaction in his several messages to that purpose, that it

should have been no more pressed against him ; being confident, if the breach of privilege had been greater than ever had been before offered, his acknowledgment and retraction had been greater than ever king had given : besides the not examining how many of his privileges had been invaded in defence and vindication of the other. And therefore he hoped his true and earnest protestation in his answer to their order concerning the militia would so far have satisfied them of his intentions then, that they would no more have entertained any imagination of any other design than he there expressed. But why the listing so many officers, and entertaining them at Whitehall, should be misconstrued, he said, he much marvelled, when it was notoriously known the tumults about Westminster were so great, and their demeanour so scandalous and seditious, that he had good cause to suppose his own person, and those of his wife and children, to be in apparent danger ; and therefore he had great reason to appoint a guard about him, and to accept the dutiful tender of the services of any of his loving subjects, which was all he did to the gentlemen of the inns of court.

6 “ For the lord Digby, he assured them in the word of a king, that he had his warrant to pass the seas, and had left his court, before ever he heard of the vote of the house of commons, or had any cause to imagine that his absence would have been excepted against. What their advertisements were from Rome, Venice, Paris, and other parts, or what the pope's nuncio solicits the kings of France or Spain to do, or from what persons such informations come to them, or how the credit and reputation of such persons had been sifted and examined, he said, he knew not ; but was confident, no sober honest man in his kingdoms could believe, that he was so desperate, or so senseless, to entertain such designs, as would not only bury this his kingdom in sudden distraction and ruin, but his own name and posterity in perpetual scorn and infamy. And therefore, he said, he could have wished in matters of so high and tender a nature, wherewith the minds of his good subjects must needs be startled, all the expressions had been so plain and easy, that nothing might stick with them that reflected upon his majesty : since they thought fit to publish it at all.

- 7 “ And having now dealt thus plainly and freely with them, by way of answer to the particular grounds of their fears, he said, he hoped, upon a due consideration and weighing of both together, they would not find the grounds to be of that moment to beget, or longer to continue, a misunderstanding between them; or force them to apply themselves to the use of any other power than what the law had given them: the which he always intended should be the measure of his own power, and expected it should be the rule of his subjects' obedience.
- 8 “ Concerning his own fears and jealousies, as he had no intention of accusing them, so he said, he was sure no words spoken by him on the sudden at Theobalds would bear that interpretation. He had said, for his residence near them, he wished it might be so safe and honourable, that he had no cause to absent himself from Whitehall; and how that could be a breach of privilege of parliament he could not understand. He said, he had explained his meaning in his answer at Newmarket, at the presentation of that declaration, concerning the printed seditious pamphlets and sermons, and the great tumults at Westminster: and he said, he must appeal to them and all the world, whether he might not justly suppose himself in danger of either. And if he were now at Whitehall, he asked them, what security he had, that the like should not be again? especially if any delinquents of that nature had been apprehended by the ministers of justice, and had been rescued by the people, and so as yet had escaped unpunished. He told them, if they had not yet been informed of the seditious words used in, and the circumstances of those tumults, and would appoint some way for the examination of them, he would require some of his learned council to attend with such evidence as might satisfy them; and till that were done, or some other course should be taken for his security, he said, they could not with reason wonder that he intended not to be where he most desired to be.
- 9 “ He asked them, whether there could yet want evidence of his hearty and importunate desire to join with his parliament, and all his faithful subjects, in defence of the religion and public good of the kingdom? Whether he had given them no other earnest but words, to secure them of those

desires? He told them the very remonstrance of the house of commons (published in November last) of the state of the kingdom allowed him a more real testimony of his good affections than words; that remonstrance valued his acts of grace and justice at so high a rate, that it declared the kingdom to be then a gainer, though it had charged itself, by bills of subsidies and poll-money, with the levy of six hundred thousand pounds, besides the contracting a debt of two hundred and twenty thousand pounds more to his subjects of Scotland. He asked them, whether the bills for the triennial parliament, for relinquishing his title of imposing upon merchandise, and power of pressing of soldiers, for the taking away the star-chamber and high-commission courts, for the regulating the council-table, were but words? whether the bills for the forests, the stannary courts, the clerk of the market, and the taking away the votes of bishops out of the lords' house, were but words? Lastly, what greater earnest of his trust and reliance on his parliament he could give, than the passing the bill for the continuance of this present parliament? the length of which, he said, he hoped, would never alter the nature of parliaments and the constitution of this kingdom; or invite his subjects so much to abuse his confidence, as to esteem any thing fit for this parliament to do, which were not fit, if it were in his power to dissolve it to-morrow. And after all these and many other acts of grace on his part, that he might be sure of a perfect reconciliation between him and all his subjects, he had offered, and was still ready to grant, a free and general pardon, as ample as themselves should think fit. Now if those were not real expressions of the affections of his soul for the public good of his kingdom, he said he must confess that he wanted skill to manifest them.

10 "To conclude: although he thought his answer already full to that point concerning his return to London, he told them, that he was willing to declare, that he looked upon it as a matter of so great weight, as with reference to the affairs of this kingdom and to his own inclinations and desires, that if all he could say or do could raise a mutual confidence, (the only way, with God's blessing, to make them all happy,) and, by their encouragement, the laws of the land, and the government of the city of London, might recover some life for his security; he

would overtake their desires, and be as soon with them as they could wish. And, in the mean time, he would be sure that neither the business of Ireland, or any other advantage for this kingdom, should suffer through his default, or by his absence; he being so far from repenting the acts of his justice and grace which he had already performed to his people, that, he said, he should with the same alacrity be still ready to add such new ones, as might best advance the peace, honour, and prosperity of this nation."

- 11 They who now read this declaration, and remember only the insolent and undutiful expressions in that declaration to which this was an answer, and the more insolent and seditious actions which preceded, accompanied, and attended it, may think that the style was not answerable to the provocation, nor princely enough for such a contest; and may believe, that if his majesty had then expressed himself with more indignation for what he had suffered, and more resolution "that he would no more endure those sufferings," they who were not yet grown to the hardness of avowing the contempt of the king (and most of them having designs to be great with and by him whom they provoked) would sooner have been checked, and recovered their loyalty and obedience. But they again, who consider and remember that conjuncture of time, the incredible disadvantage his majesty suffered by the misunderstanding of his going to the house of commons, and by the popular mistake of privilege of parliament, and consequently of the breach of those privileges; and, on the contrary, the great height and reputation the factious party had arrived to, the stratagems they used, and the infusions they made into the people, "of the king's disinclination to the laws of the land;" and especially, "that he had consented to all those excellent laws made this parliament (of which the people were possessed) very unwillingly, and meant to avoid them: that the queen had an irreconcilable hatred to the religion professed,

and to the whole nation, and that her power was unquestionable: that there was a design to send the prince beyond the seas, and to marry him to some papist:" above all, (which the principal of them, with wonderful confidence, in all places avowed to be true,) "that the rebellion in Ireland was fomented, and countenanced at least, by the queen, that good terms might be got for the catholics in England:" I say, whoever remembers this, and, that though it might be presumed that the exorbitancy of the parliament might be very offensive to some sober and discerning men, yet his majesty had no reason to presume of their eminent and vehement zeal on his behalf, since he saw all those (two or three only excepted) from whom he might challenge the duty and faith of servants *usque ad aras*, and for whose sake he had undergone many difficulties, either totally aliened from his service, and engaged against him, or, like men in a trance, unapplicable to it: he will conclude that it concerned his majesty, by all gentleness and condescension, to undeceive and recover men to their sobriety and understanding, before he could hope to make them apprehensive of their own duty, or the reverence that was due to him; and therefore, that he was to descend to all possible arts and means to that purpose, it being very evident, that men would no sooner discern his princely justice and clemency, than they must be sensible of the indignities which were offered to him, and incensed against those who were the authors of them.

- 12 And the truth is, (which I speak knowingly,) at that time, the king's resolution was to shelter himself wholly under the law; to grant any thing that by the law he was obliged to grant; and to deny what by the law was in his own power, and which he found inconvenient to consent to; and to oppose and punish any extravagant attempt by the force and power of the law, presuming that the king and the law together would have been

strong enough for any encounter that could happen ; and that the law was so sensible a thing, that the people would easily perceive who endeavoured to preserve, and who to suppress it, and dispose themselves accordingly.

13 The day before this answer of his majesty came to them, though they knew they should speedily receive it, lest somewhat in it might answer, and so prevent some other scandals they had a mind to lay to his majesty's charge, they sent a petition to him, in the name of the lords and commons, upon occasion of the short cursory speech he made to their committee, (which is before mentioned,) at the delivery of their declaration at Newmarket, in which they told him,

14 " That the lords and commons in parliament could not conceive, that that declaration, which he received from them at Newmarket, was such as did deserve that censure his majesty was pleased to lay upon them in that speech which his majesty made to their committee ; their address therein, being accompanied with plainness, humility, and faithfulness, they thought more proper for the removing the distraction of the kingdom, than if they had then proceeded according to his message of the twentieth of January ; by which he was pleased to desire, that they would declare what they intended to do for his majesty, and what they expected to be done for themselves ; in both which, they said, they had been very much hindered by his majesty's denial to secure them and the whole kingdom, by disposing the militia as they had divers times most humbly petitioned. And yet, they said, they had not been altogether negligent of either, having lately made good proceedings in preparing a book of rates, to be passed in a bill of tonnage and poundage, and likewise the most material heads of those humble desires which they intended to make to his majesty for the good and contentment of his majesty and his people ; but none of these could be perfected before the kingdom be put in safety, by settling the militia : and until his majesty should be pleased to concur with his parliament in those necessary things, they held it impossible for his majesty to give the world or his people such satisfaction concerning the fears and jealousies which they had

expressed, as they hoped his majesty had already received touching that exception which he was pleased to take to Mr. Pym's speech. As for his majesty's fears and doubts, the ground whereof was from seditious pamphlets and sermons, they said, they should be as careful to endeavour the removal [of them], as soon as they should understand what pamphlets and sermons were by his majesty intended, as they had been to prevent all dangerous tumults. And if any extraordinary concourse of people out of the city to Westminster had the face and show of tumult and danger, in his majesty's apprehension, it would appear to be caused by his majesty's denial of such a guard to his parliament as they might have cause to confide in; and by taking into Whitehall such a guard for himself as gave just cause of jealousy to the parliament, and of terror and offence to his people. They told him, they sought nothing but his majesty's honour, and the peace and prosperity of his kingdoms; and that they were heartily sorry they had such plentiful matter [for] an answer to that question, whether his majesty had violated their laws? They besought his majesty to remember, that the government of this kingdom, as it was in a great part managed by his ministers before the beginning of this parliament, consisted of many continued and multiplied acts of violation of laws; the wounds whereof were scarcely healed, when the extremity of all those violations was far exceeded by the late strange and unheard of breach of their laws in the accusation of the lord Kimbolton, and the five members of the commons' house, and in the proceedings thereupon; for which they had yet received no full satisfaction.

¹⁵ "To his majesty's next question, whether he had denied any bill for the ease and security of his subjects? they wished they could stop in the midst of their answer; that with much thankfulness they acknowledged, that his majesty had passed many good bills full of contentment and advantage to his people: but truth and necessity enforced them to add this, that, even in or about the time of passing those bills, some design or other had been on foot, which if it had taken effect would not only have deprived them of the fruit of those bills, but have reduced them to a worse condition of confusion than that wherein the parliament found them.

¹⁶ "And if his majesty had asked them the third question in-

timated in that speech, what they had done for him? they told him, their answer would have been much more easy; that they had paid two armies with which the kingdom was burdened the last year, and had undergone the charge of the war in Ireland at this time, when, through many other excessive charges and pressures, whereby his subjects had been exhausted, and the stock of the kingdom very much diminished; which great mischiefs, and the charges thereupon ensuing, had been occasioned by the evil counsels so powerful with his majesty, and would cost this kingdom more than two millions; all which, in justice, ought to have been borne by his majesty.

17 “As for that free and general pardon his majesty had been pleased to offer, they said, it could be no security to their fears and jealousies, for which his majesty seemed to propound it; because they arose not from any guilt of their own actions, but from the evil designs and attempts of others.

18 “To that their humble answer to that speech, they desired to add an information, which they lately received from the deputy governor of the merchant adventurers at Rotterdam in Holland, that an unknown person, appertaining to the lord Digby, did lately solicit one James Henly, a mariner, to go to Elsinore, and to take charge of a ship in the fleet of the king of Denmark, there prepared; which he should conduct to Hull. In which fleet likewise, he said, a great army was to be transported: and although they were not apt to give credit to informations of that nature, yet they could not altogether think it fit to be neglected; but that it might justly add somewhat to the weight of their fears and jealousies, considering with what circumstances it was accompanied; with the lord Digby's precedent expressions in his letter to her majesty, and sir Lewis Dives; and his majesty's succeeding course of withdrawing himself northward from his parliament, in a manner very suitable and correspondent to that evil counsel; which, they doubted, would make much deeper impression in the generality of his people: and therefore they most humbly advised and besought his majesty, for the procuring and settling the confidence of his parliament and all his subjects, and for the other important reasons concerning the recovery of Ireland, and securing this kingdom, which had been formerly presented to him, he would be graciously pleased, with all convenient speed, to return to those parts, and to close with the

counsel and desire of his parliament ; where he should find their dutiful affections and endeavours ready to attend his majesty with such entertainment, as should not only give him just cause of security in their faithfulness, but other manifold evidences of their earnest intentions and endeavours to advance his majesty's service, honour, and contentment ; and to establish it upon the sure foundation of the peace and prosperity of all his kingdoms."

¹⁹ This, which they called a petition, being presented to the king, his majesty immediately returned, by the same messengers, his answer in these words :

²⁰ " If you would have had the patience to have expected our answer to your last declaration, (which, considering the nature of it, hath not been long in coming,) we believe you would have saved yourselves the labour of saying much of this message. And we could wish that our privileges on all parts were so stated, that this way of correspondency might be preserved with that freedom which hath been used of old. For we must tell you, that if you may ask any thing of us by message or petition, and in what language (how unusual soever) you think fit ; and we must neither deny the thing you ask, nor give a reason why we cannot grant it, without being taxed of breaking your privileges, or being counselled by those who are enemies to the peace of the kingdom and favourers of the Irish rebellion, (for we have seen your printed votes upon our message from Huntington,) you will reduce all our answers hereafter into a very little room ; in plain English, it is to take away the freedom of our vote ; which, were we but a subject, were high injustice ; but being your king, we leave all the world to judge what it is.

²¹ " Is this the way to compose all misunderstandings ? we thought we shewed you one, by our message of the twentieth of January ; if you have a better or readier, we shall willingly hearken to it, for hitherto you have shewed us none. But why the refusal to consent to your order, which you call a denial of the militia, should be any interruption to it, we cannot understand. For the militia, which we always thought necessary to be settled, we never denied the thing ; (as we told you in our answer of the twenty-eighth of January to the petition of the house of commons ;) for we accepted the persons, except for

the petitioners: we only desired the way. You ask it by way of ordinance, and will send a petition, as we can neither with justice, nor the manner is necessary, answer it. You exclude us [from] any power in the ordinance or execution of it together with you, and for a time utterly annihilate it. We tell you, we would have the thing done: above the persons with that exception: desire a bill the only way of improving on our subjects: we are extremely impatient that an ordinance is, but will not suffer that without our consent it is nothing, not binding, and it is evident by the long time spent in this argument, the necessity and danger was not so imminent, but a bill might have been prepared: which if it shall yet be done, with that due regard to us, and care of our people in the limitation of the power and other circumstances, we shall recede from nothing we formerly expressed in that answer to your order; otherwise, we must declare to all the world, that we are not satisfied with, or shall ever allow our subjects to be bound by, your petition, since of the fifteenth or sixteenth of this month: or that, under pretence of desisting from the law of the land, we shall without us, make a new law, which is precisely the case of the militia: and what is this but to introduce an arbitrary way of government?

22 - Concerning Pym's speech, you will have found, by what the Lord Chancellor and Mr. Baynton brought forth in answer to that message they brought to us, [that] as yet we were nothing satisfied in that particular.

23 - As for the petitioners' petitioners and petitions, we are both sorry and ashamed, if we grant a variety, and in which our rights, honour, and authority are so immediately signified and violated, and in which the dignity and freedom of parliament is so much invaded and violated, it should be asked of us to name any. The mentioning of *The Petitioners' Petition*—*The Ap-
plication's Petition*—To your grace, O Lord, or any other, would be too great an excuse for the rest: if you think them not worth your inquiry, we have done. But we think it most strange to be told, that our denial of a grant (which we yet never denied, but granted in another manner, and under a command at that time most accustomed in the kingdom), or the denial of any thing else, (which is in our power legally to deny,) which in our understanding, of which God hath surely given us

some use, is not fit to be granted, should be any excuse for so dangerous [a] concourse of people ; which, not only in our apprehension, but, we believe, in the interpretation of [the] law itself, hath been always held most tumultuous and seditious. And we must wonder, what, and whence come the instructions and informations, that those people have, who can so easily think themselves obliged by the protestation to assemble in such a manner for the defence of privileges, which cannot be so clearly known to any of them, and so negligently pass over the consideration and defence of our rights, so beneficial and necessary for themselves, and scarce unknown to any of them ; which by their oaths of allegiance and supremacy, and even by the same protestation, they are at least equally obliged to defend. And what interruptions such kind of assemblies may be to the freedom of future parliaments, (if not seasonably discountenanced and suppressed,) we must advise you to consider ; as likewise, whether both our rights and powers may not by such means be usurped by hands not trusted by the constitution of this kingdom. For our guard, we refer you to our answer to your declaration.

- 24 " By that question of violating your laws, by which we endeavoured to express our care and resolution to observe them, we did not expect you would have been invited to have looked back so many years, for which you have had so ample reparation ; neither looked we to have been reproached with the actions of our ministers then against the laws, whilst we express so great a zeal for the present defence of them ; it being our resolution, upon observation of the mischief which then grew by arbitrary power, (though made plausible to us by the suggestions of necessity and imminent danger ; and take you heed, you fall not into the same error upon the same suggestions,) hereafter to keep the rule ourself, and to our power require the same from all others. But above all, we must be most sensible of what you cast upon us for requital of those good bills you cannot deny. We have denied any such design ; and as God Almighty must judge in that point between us, who knows our upright intentions at the passing those laws, so in the mean time we defy the Devil to prove, that there was any design (with our knowledge or privity) in or about the time of passing those bills, that, had it taken effect, could have deprived our

subjects of the fruit of them. And therefore we demand full reparation in this point, that we may be cleared in the sight of all the world, and chiefly in the eyes of our loving subjects, from so notorious and false an imputation as this is.

25 “ We are far from denying what you have done : for we acknowledge the charge our people have sustained in keeping the two armies, and in relieving Ireland ; of which we are so sensible, that, in regard of those great burdens our people have undergone, we have, and do patiently suffer those extreme personal wants, as our predecessors have been seldom put to, rather than we would press upon them ; which we hope in time will be considered on your parts.

26 “ In our offer of a general pardon, our intent was to compose and secure the general condition of our subjects, conceiving that in these times of great distractions the good laws of the land have not been enough observed : but it is a strange world, when princes’ proffered favours are counted reproaches : yet if you like not this our offer, we have done.

27 “ Concerning any discourses of foreign forces, though we have given you a full answer in ours to your last declaration, yet we must tell you, we have neither so ill an opinion of our own merit, or the affections of our good subjects, as to think ourself in need of any foreign force to preserve us from oppression ; and we shall not need for any other purpose : but are confident, through God’s providence, not to want the good wishes and assistance of the whole kingdom, being resolved to build upon that sure foundation, the law of the land : and we take it very ill, that any general discourses between an unknown person and a mariner, or inferences upon letters, should be able to prevail in matters so improbable in themselves and scandalous to us ; for which we cannot but likewise ask reparation, not only for the vindicating of our own honour, but also thereby to settle the minds of our subjects, whose fears and jealousies would soon vanish, were they not fed and maintained by such false and malicious rumours as these.

28 “ For our return to our parliament, we have given you a full answer in ours to your declaration ; and you ought to look on us as not gone, but driven (we say not by you, yet) from you. And if it be not so easy for you to make our residence in London so safe as we could desire, we are and will be contented,

that our parliament be adjourned to such a place where we may be fitly and safely with you. For though we are not pleased to be at this distance, yet ye are not to expect our presence, until ye shall both secure us concerning our just apprehensions of tumultuary insolences, and likewise give us satisfaction for those insupportable and insolent scandals that are raised upon us.

29 “To conclude: as we have or shall not refuse any way agreeable to justice or honour which shall be offered to us for the begetting a right understanding between us; so we are resolved that no straits or necessities to which we may be driven shall ever compel us to do that, which the reason and understanding that God hath given us, and our honour and interest, with which God hath trusted us for the good of our posterity and kingdoms, shall render unpleasant and grievous to us. And we assure you, that how meanly soever you are pleased to value the discharge of our public duty, we are so conscious to ourself of having done our part since this parliament, that, in whatsoever condition we now stand, we are confident of the continued protection from Almighty God, and the constant gratitude, obedience, and affection from our people. And we shall trust God with all.”

30 These quick answers from the king gave them very much trouble, and made it evident to them that he would be no more swaggered into concessions that he thought unreasonable, or persuaded to them upon general promises, or an implicit confidence in their future modesty; but that he demanded reparation for the breach of his privileges, and so fought with them with their own weapons, troubled them much more; apprehending that, in a short time, the people might be persuaded to believe, that the king was in the right, and had not been well dealt with: and though some few, who thought themselves too far engaged to retire, were glad of the sharpness of these paper skirmishes, which they believed made the wound still wider, and more incurable; yet the major part, which had been induced to join with them out of confidence that the king would yield, and

that their boldness and importunity in asking would prevail with his majesty to consent, wished themselves fairly unentangled: and I have heard many of the fiercest concurrers, and who have ever since kept them company, at that time profess, "that if any expedient might be found to reconcile the present difference about the militia, they would no more adventure upon demands of the like nature:" and the earl of Essex himself was startled, and confessed to his friends, "that he desired a more moderate proceeding should be in parliament; and that the king, who had given so much, should receive some satisfaction." But those of the court who thought their faults to their master most unpardonable, could not endure that he, being the youngest courtier, should be the eldest convert; and therefore, by repeating what the king and queen had said of him heretofore, and by fresh intelligence, which they procured from York, of what the king then thought of him, they persuaded him, "that his condition was too desperate to recede:" and all men were persuaded that this severe deportment of the king proceeded from the spirit of some new evil counsellors, who would be as soon destroyed as discovered; and that then they would so carry themselves, that the king should owe his greatness and his glory (for they still said, "he should excel all his predecessors in both") to their formed counsels and activity, and not to the whispers of those who thought to do his business without them. And I am persuaded, that even then, (and I was at that time no stranger to the persons of most that governed, and a diligent observer of their carriage,) they had rather a design of making themselves powerful with the king, and great at court, than of lessening the power of the one, or reforming the discipline of the other: but, no doubt, there were some few in the number that looked

further; yet, by pretending that, kept up the mettle of writing, and inclined them for their honour to new declarations.

- 31 When the king came to York, he found himself at ease; the country had received him with great expressions of joy and duty, and all persons of quality of that great county, and of the counties adjacent, resorted to him, and many persons of condition from London, and those parts, who had not the courage to attend upon him at Whitehall; so that the court appeared with some lustre. And now he began to think of executing some of those resolutions which he had made with the queen before her departure; one of which was, and to be first done, the removing the earls of Essex and Holland from their offices in the court, the one of chamberlain, the other of groom of the stole, which hath the reputation and benefit of being first gentleman of the bedchamber. Indeed no man could speak in the justification of either of them, yet no man thought them both equally culpable. The earl of Holland was a person merely of the king's creation; raised from the condition of a private gentleman, a younger brother of an extraction that lay under a great blemish, and without any fortune, to a great height by the king's mere favour and bounty. And he had not only adorned him with titles, honours, and offices, but enabled him to support those in the highest lustre and with the largest expense: and had drawn many inconveniences and great disadvantages upon himself and his service, by his preferring him to some trusts, which others did not only think themselves, but really were, worthier of; but especially by indulging him so far in the rigorous execution of his office of chief justice in eyre, in which he brought more prejudice upon the court, and more discontent upon the king, from the most considerable part of the nobility and gentry in England, than any one action that had its rise from the king's will

and pleasure, though it was not without some warrant from law; which having not been practised in some hundreds of years, was looked upon as a terrible innovation and exaction upon persons who knew not that they were in any fault; nor was any imputed to them, but the original sin of their forefathers, even for which they were obliged to pay great penalties and ransoms. That such a servant should suffer his zeal to lessen and decay towards such a master, and that he should keep a title to lodge in his bedchamber, from whose court he had upon the matter withdrawn himself, and adhered to and assisted those who affronted and contemned his majesty so notoriously, would admit of no manner of interposition and excuse.

- ³² Less was to be objected against the earl of Essex, who, as he had been all his life without obligations from the court, and believed he had undergone oppression there, so he was in all respects the same man he had always professed himself to be when the king put him into that office; and in receiving of which, many men believed that he rather gratified the king, than that his majesty had obliged him in conferring it; and it had been, no doubt, the chief reason of putting the staff in his hand, because in that conjuncture no other man, who would in any degree have appeared worthy of it, had the courage to receive it. However, having taken the charge upon him, he ought no doubt to have taken all his master's concernments more to heart than he had done; and he can never be excused for staying in Whitehall, when the king was with that outrage driven from thence, and [for] choosing to behold the triumph of the members' return to Westminster, rather than to attend his majesty's person in so great perplexity to Hampton-court; which had been his duty to have done, and for failing wherein no other excuse can be made, but that, after he had taken so full a resolution to have waited upon his

majesty thither that he had dressed himself in his travelling habit, he was diverted from it by the earl of Holland, who ought to have accompanied him in the service, and by his averment, "that if he went, he should be assassinated;" which was never thought of.

- 33 Notwithstanding all this, the persons trusted by his majesty, and remaining at London, had no sooner notice of it, (which his majesty sent to them, that he might be advised the best way of doing it,) but they did all they could to dissuade the pursuing it. They did not think it a good conjuncture to make those two desperate; and they knew that they were not of the temper and inclinations of those who had too much credit with them, nor did desire to drive things to the utmost extremities, which could never better their conditions; and that they did both rather desire to find any expedients, by which they might make a safe and an honourable retreat, than to advance in the way they were engaged. But the argument they chiefly insisted on to the king was, "that being deprived of their offices they would be able to do more mischief, and ready to embark themselves with the most desperate persons in the most desperate attempts;" which fell out accordingly. And there is great reason to believe, that if that resolution the king had taken had not been too obstinately pursued at that time, many of the mischiefs which afterwards fell out would have been prevented; and, without doubt, if the staff had remained still in the hands of the earl of Essex, by which he was charged with the defence and security of the king's person, he would never have been prevailed with to have taken upon him the command of that army which was afterwards raised against the king's, and with which so many battles were fought. And there can be as little doubt in any man, who knew well the nature and temper of that time, that it had been utterly impossible for the two houses of parliament to have raised an army then, if

the earl of Essex had not consented to be general of that army.

34 But the king was inexorable in the point; he was obliged by promise to the queen at parting, which he would not break; and her majesty had contracted so great an indignation against the earl of Holland, whose ingratitude indeed towards her was very odious, that she had said, "she would never live in the court if he kept his place." And so the king sent an order to Littleton, then lord keeper of the great seal, "that he should require the staff and the key from the one and the other, and receive them into his custody." The keeper trembled at the office, and had not courage to undertake it. He went presently to the lord Falkland, [and] desired him to assist him in making his excuse to the king. He made many professions of his duty to the king, "who, he hoped, would not command him in an affair so unsuitable to the office he held under him; that no keeper had ever been employed in such a service; that if he should execute the order he had received, it would in the first place be voted a breach of privilege in him, being a peer; and the house would commit him to prison, by which the king would receive the greatest affront, though he should be ruined; whereas the thing itself might be done by a more proper officer, without any inconvenience."

35 How weak soever the reasons were, the passion was strong; and the lord Falkland could not refuse to convey his letter to the king, which contained his answer in his own words, with all the imaginable professions of duty and zeal for his service. How ill soever his majesty was satisfied, he saw the business would not be done that way; and therefore he writ immediately a letter, all in his own hand, to the lord Falkland; in which, with some gracious expressions of excuse for putting that work upon him, he commanded him "to require

the surrender of the ensigns of their offices from those two earls." The lord Falkland was a little troubled in receiving the command: they were persons from whom he had always received great civilities, and with whom he had much credit; and this harsh office might have been more naturally and as effectually performed by a gentleman usher, as the same staff had been demanded before from the earl [of] Pembroke within less than a year. However, he would make no excuse, being a very punctual and exact person in the performance of his duty; and so went to both of them, and met them coming to the house, and imparted his message to them: they desired him very civilly, "that he would give them leave to confer a little together, and they would within half an hour send for him into the house of commons:" whither he went, and they, within less time, sent to him to meet them in sir Thomas Cotton's garden, (a place adjacent, where the members of both houses used frequently to walk,) and there, with very few words, they delivered the staff and the key into his hands, who immediately carried them to his lodging; and they went up to the house of peers: and immediately both houses took notice of it, and with passion, and bitter expressions against the evil counsellors, who had given his majesty that counsel, they concurred in a vote, "that whosoever presumed to accept of either of those offices should be reputed an enemy to his country;" and then they proceeded with more impetuosity in the business of the militia, and all other matters which most trenched upon the king's authority.

36 Whilst they were so eager in pursuit of the militia, and pretended the necessity so imminent that they could not defer the disposition thereof till it might be formally and regularly settled by bill, they had their eye upon another militia, the royal navy; without recovering of which to their own power, (though they were satisfied

by the pulse of the people that they would join with them, and be generally obedient to their commands,) they had no mind to venture upon the execution of their land ordinance. And therefore, in the beginning of the spring, when the fleet for that year was provided, after they [had] excepted against such persons to be captains of ships as they thought not devoted to them, (as is before mentioned,) they sent a formal message to the lords, "that the earl of Northumberland, lord admiral, might be moved to constitute the earl of Warwick his admiral of the fleet for that year's service, being a person of such honour and experience, as they might safely confide in him; and that the earl of Warwick might be desired to undertake that service." The lords thought fit that the king's approbation might be first desired, before it was recommended to the earl of Northumberland: but the commons thought that superfluous, since it was absolutely in the earl's disposal to dispose of the officers of the fleet; and therefore refused to send to the king, but of themselves sent to both the one earl and the other; and the earl of Warwick, being well pleased with the trust, very frankly, without waiting the king's consent, declared, "that he was ready to undertake the employment." But this being so publicly agitated, the king could not but take notice of it; and finding that the business should not be proposed to him, thought it necessary to signify his pleasure in it, that so at least the lord admiral might not pretend innocence, if ought should be done to his disservice; and therefore he appointed Mr. Secretary Nicholas to write to the earl of Northumberland, "that his majesty expected that sir John Pennington should command that fleet, as he had done two or three years before." This letter being communicated to both houses, and the lord admiral being thereby upon the disadvantage of a single contest with the king, the house of commons, rather out

of kindness and respect to the earl than of duty to the king, condescended to join with the lords in a message to the king; which they sent not by members of their own, but directed the lord keeper "to inclose it in a letter to the secretary attending the king, and to send the same to York;" which he did accordingly. The message was,

37 "That the lords and commons, in this present parliament assembled, having found it necessary to provide, and set to sea, a strong and powerful navy for the defence of this kingdom against foreign force, and for the security of his majesty's other dominions, the charge whereof was to be borne by the commonwealth: and taking notice of the indisposition of the lord admiral, which disabled him at that time for commanding the fleet in his own person, did thereupon recommend unto his lordship the earl of Warwick, a person of such quality and abilities, in whom they might best confide, to supply his lordship's room for this employment: and understanding that his majesty hath since signified his pleasure concerning that command for sir John Pennington, they said, they did hold it their duty to represent to his majesty the great danger and mischief the commonwealth was like to sustain by such interruption; and therefore did humbly beseech his majesty, that the noble person, recommended by both houses of parliament for this service, might no longer be detained from it, out of any particular respect to any other person whatsoever."

38 The same day that this message came to his majesty, he despatched an answer to the lord keeper; in which he told him,

"That he wondered both at the form and matter of that inclosed paper he had sent to him in the name of both houses of parliament; it being neither by the way of petition, declaration, or letter; and for the matter, he believed, it was the first time that the houses of parliament had taken upon them the nomination or recommendation of the chief sea-commander: but it added to the wonder, that sir John Pennington being already appointed by him for that service, upon

the recommendation of his admiral, and no fault so much as alleged against him, another should be recommended to him. Therefore, he said, his resolution upon that point was, that he would not alter him, whom he had already appointed to command that year's fleet; whose every ways sufficiency was so universally known, the which he was confident his admiral, if there should be occasion, would make most evident; against whose testimony he supposed his parliament would not except. And though there were yet none appointed, or the said sir John, through some accident, not able to perform the service; yet, he said, the men of that profession were so well known to him, besides many other reasons, that (his admiral excepted, because of his place) recommendations of that kind would not be acceptable to him."

39 This answer was no other than they expected, though they seemed troubled at it, and pretended that they had many things of misdemeanour to object against sir John Pennington, at least such matters as would render him incapable of that trust; the greatest of which was, that he had conveyed the lord Digby over sea; though they well knew (as is before mentioned) that he had the king's warrant and command for that purpose; and therefore moved the lords that he might be sent for to be examined upon many particulars: and in the mean time, whilst they caused him to attend their leisure to be examined, they proceeded in hastening the earl of Warwick to make himself ready for the service, who made no scruple of undertaking it; and the earl of Northumberland receiving the order and desire of both houses "to grant his commission to him to be admiral of that fleet," thought himself sufficiently excused towards the king, and did it accordingly; the two houses in the mean time, without any further thought of procuring the king's consent, preparing reasons to satisfy his majesty for the necessity or conveniency of their proceeding.

40 Many men, especially they who at a distance observed

and discerned the difficulties the king was like to encounter, wondered that upon so apparent a breach of trust and act of undutifulness his majesty did not at that time revoke the lord admiral's commission, which was but during pleasure; and so put that sure guard of the kingdom, his navy, under such a command as he might depend upon. But the truth is, it was not then counsellable; for (besides that it was easier to resolve, "that it was fit to remove the earl of Northumberland," than to find a man competent for the place) that way it might have been possible to have prevented the going out of any fleet to sea, which would have confirmed the frantic jealousies of bringing in foreign forces, [but] not to have reduced it to his own obedience.

⁴¹ They had by degrees so ordered the collection of tonnage and poundage, by passing bills for six weeks and two months at a time, and putting those who should receive or pay those duties otherwise than they were granted by those bills into a *præmunire*, and so terrified the old customers, that the king had no other means of setting out his fleet than by the monies arising by the customs, which they absolutely disposed of; and at this time had contracted with the victualler, made the ships ready, and hired many merchants' ships to join in that fleet for the guard of the seas. And whilst this matter of the admiral was in suspense, they suffered the former bill of tonnage and poundage to expire, and did not, till the very night before, pass a new bill; which could not have the royal assent till many days after, the king being then at York. Yet the house of commons, to salve all danger of the *præmunire*, on the twenty-fourth of March, being the very day that the former bill expired, sent an order to all the collectors of the customs, many of which could not receive it in ten days after;

⁴² "That the new bill being passed by both houses for the

continuance of those payments until the third day of May, (which could not yet receive the royal assent, in regard of the remoteness of his majesty's person from the parliament,) which monies to be collected by that bill were to be employed for the necessary guarding of the seas, and defence of the commonwealth: it was therefore ordered by the commons in parliament, that the several officers belonging to the custom-house, both in the port in London and the out-ports, should not permit any merchant or other to lade or unlade any goods or merchandises before such persons do first make due entries thereof in the custom-house. And it was declared also by the said commons, that such officers, upon the respective entry made by any merchant as aforesaid, should intimate to such merchant, that it was the advice of the commons, for the better ease of the said merchants, and in regard the respective duties would relate and become due as from that day, that the said merchants upon entry of their goods, as usually they did when a law was in force to that purpose, would deposit so much money as the several customs would amount unto in the hands of such officers, to be by them accounted to his majesty, as the respective customs due by the said bill, when the said bill should have the royal assent; or otherwise, his majesty refusing the passing thereof, the said monies to be restored, upon demand, unto the several merchants respectively."

- 43 By which order, which was a more absolute dispensation for a *præmunire* than ever any *nonobstante* granted by the crown, the customs were as frankly and fully paid, as if an act of parliament had been passed to that purpose; and as soon as the commission could be sent, and returned from York, the act was passed. But no doubt they had a further design in suffering the bill totally to expire before they prepared a new [one], than at that time was apprehended; and intended, under such a popular necessity, which seemed to be occasioned by the king's absence, to bring their own orders in such reputation, that in another necessity which they should declare, they might by the precedent of this,

which was the only indemnity all those merchants who paid, and the officers who received, customs, had for the preservation of their estates, be currently and absolutely obeyed and submitted to.

44 By this it appears the king could not at that time, with conveniency or safety to his affairs, displace the earl of Northumberland; and he believed, if his occasions should hereafter require it, that the time would be much more seasonable when the fleet was at sea and the thing itself more practicable: which was a true conclusion. However, he expressed so much dislike against the earl of Warwick's commanding that fleet, that he was not willing that any officers whom he valued should take employment under him; which he had shortly after cause to repent. For, by this means, the vice-admiralty, which was designed to captain Cartwright, the comptroller of the navy, who hath since sufficiently testified how advantageously to his majesty he would have managed that charge, upon his refusal (which was occasioned by intimation from his majesty, as shall be hereafter mentioned) was conferred upon Batten, an obscure fellow, and, though a good seaman, unknown to the navy, till he was, two or three years before, for money, made surveyor, who executed it ever since with great animosity against the king's service; of which more hereafter.

45 Being by this means secure at sea, they proceeded with more vigour at land; and, though they thought it not yet seasonable to execute their ordinance for the militia with any form and pomp, they directed, underhand, their agents and emissaries, "that the people, of themselves, should choose captains and officers, and train under the name of volunteers;" which began to be practised in many places of the kingdom, but only in those corporations, and by those inferior people, who were notorious for faction and schism in religion. The

king's declarations, which were now carefully published, gave them some trouble, and made great impression in sober men, who were moved with the reason, and in rich men, who were startled at the commands in them. But that clause in the king's answer to their declaration presented to him at Newmarket, in which he told them, "that if they had not been informed of the seditious words used in, and the circumstances of the tumults, and would appoint some way for the examination of them, that he would require some of his learned council to attend with such evidence as might satisfy them," troubled them much more. For if there were still so much courage left in the king's council, that they durst appear to inform against any of those proceedings which they favoured, they should find men grow more afraid of the law than of them; which would destroy all their designs. Therefore they resolved to proceed with all expedition and severity against the attorney general for his trespass and presumption upon their privileges, in the accusation of the five members and the lord Kimbolton: of the circumstances of which proceeding, and judgment thereupon, being as extraordinary, and as distant from the rules of justice, at least of practice, as any thing that then happened, it will not be amiss to set down two or three particulars.

- 46 Shortly after they had impeached him, (which is mentioned before,) and the king had found it necessary to give over any prosecution against them, his majesty being desirous, now he had freed them, that they should free his attorney, writ a letter from Royston, when he was in his way to York, to the lord keeper; in which he told him, "that the articles which had been preferred against the members [were] by himself delivered to his attorney general, engrossed in paper; and that he had then commanded him to accuse those persons, upon those articles of high treason, and other

misdemeanours ; and, in his name, to desire a committee of lords might be appointed to take the examinations of such witnesses as should be produced, as formerly had been done in cases of like nature, according to the justice of the house. And his majesty did further declare, that his said attorney did not advise or contrive the said articles, nor had any thing to do with, or in advising, any breach of privilege that followed after. And for what he did in obedience to his commands, he conceived he was bound by oath, and the duty of his place, and by the trust reposed in him by his majesty, so to do : and that, if he had refused to obey his majesty therein, his majesty would have questioned him for breach of oath, duty, and trust ; but now having declared that he found cause wholly to desist from proceeding against the persons accused, he had commanded him to proceed no further therein, nor to produce nor to discover any proof concerning the same."

⁴⁷ Though this testimony of his majesty clearly absolved him from the guilt with which he was charged, yet it rather hastened the trial, and sharpened the edge that was before keen enough against him ; and the day of trial being come, when the members of the commons who were appointed for the prosecution found that council was ready (which had been assigned by the lords) for the defence of the attorney general, they professed, "that they would admit no council ; that it was below the dignity of the house of commons to plead against fee'd council ; that whoever presumed to be of council with a person accused by the commons of England should be taught better to know his duty, and should have cause to repent it." The lords seemed much moved with this reproach, that their acts of judicature should be questioned, and the council, which had been justly and regularly assigned by them, should be threatened for submitting to their order. But that

which troubled them most, was, that the council, which was assigned by them, upon this reprehension and threat of the commons, positively refused to meddle further in the business, or to make any defence for the attorney. Hereupon they put off the trial, and commit to the Tower of London sir Thomas Bedingfield and sir Thomas Gardiner, for their contempt in refusing to be of council with the attorney upon their assignment: standers by looking upon the justice of parliament with less reverence, to see the subject, between the contradictory and opposite commands of both houses, (the displeasure of either being insupportable,) punished and imprisoned for not doing, by one, [what] he was straitly inhibited by the other not to do.

- 48 However, this difference gave only respite for some days to the attorney, who was quickly again called before his judges. To what was passionately and unreasonably objected against him, "of breach and privilege and scandal," he confidently alleged "the duty of his place; that his master's command was warrant for what he had done; and that he had been justly punishable, if he had refused to do it when commanded; that there had never been a pretence of privilege in case of treason, the contrary whereof was not only understood by the law, but had been by themselves confessed, in a petition delivered by them in the beginning of this king's reign, upon the imprisonment of the earl of Arundel; in which it was acknowledged, that the privilege of parliament extended not to treason, felony, or refusal to find sureties for the peace; that he had no reason to suspect the executing the duty of his place would have been imputed to him for any trespass, since the very same thing he had now done, and of which he stood accused, was done, in the first year of this king's reign, by sir Robert Heath, the then attorney general; who exhibited articles of high treason before their lordships

against the earl of Bristol, which was not then understood to be any breach of privilege; and therefore, having so late a precedent, most of their lordships being then judges, he hoped he should be held excusable for not being able to discern that to be a crime which they had yet never declared to be so." The undeniable reasons of his defence (against which nothing was replied, "but the inconvenience and mischief which would attend a parliament if the members might be accused of high treason without their consent") prevailed so far with the major part of the house of peers, though the prosecution was [carried on] with all imaginable sharpness and vehemence by the house of commons, and entertained by those peers who were of that party, as a matter of vast concernment to all their hopes, that the questions being put, whether he should be deprived of his place of attorney? whether he should be fined to the king? whether he should pay damages to the persons accused? and whether he should be committed to the Tower? which were the several parts of the sentence, which many of the lords had judged him to undergo, the negative prevailed in every one of the particulars; so that the attorney was understood by all men, who understood the rules and practice of parliament, to be absolutely absolved from that charge and impeachment by the judgment of the house of peers.

- ⁴⁹ The house of commons expressed all possible resentment, and declared, "that they would not rest satisfied with the judgment;" and some lords, even of those who had acquitted him, were very desirous to find out an expedient whereby the house of commons might be compounded with; and it was believed that the attorney himself was much shaken with that torrent of malice and prejudice which the house of commons seemed now to threaten him with, conceiving "that he

and his office now triumphed over the whole body, and not over six members only :” and therefore, after some days, the house of peers considering “that his discharge was but negative, that he should not be punished in this and that degree, and that he had no absolution from the crime with which he was charged,” proceeded to a new judgment, (contrary to all course and practice of parliament, or of any judicial court,) and complying with all their other votes, resolved, by way of judgment upon him, “that he should be disabled from ever being a parliament man ; incapable of any place of judicature, or other preferment, than of attorney general ;” which they could not deprive him of, by reason of the former vote ; and “that he should be committed to the prison of the Fleet.” Which sentence was with all formality pronounced against him, and he committed to the Fleet accordingly : the which the commons was no more satisfied with than with the former ; some of them looking that their favourite, the solicitor, should have the place of attorney ; others, that the accused members should receive ample damages by way of reparation ; without which they could not think themselves secure from the like attempts.

50 Having by this extraordinary and exemplar[y] proceeding fortified their privileges against such attempts, and secured their persons from being accused, or proceeded against by law, they used no less severity against all those who presumed to question the justice or prudence of their actions, especially against those, who, following the method that had done so much hurt, drew the people to petition for that which they had no mind to grant ; and in this prosecution they were not less severe and vehement, than against the highest treason could be imagined.

51 Upon the petition mentioned before, that was framed in London against their settling the militia, they com-

mitted one George Binion, a citizen of great reputation for wealth and wisdom, and [who] was indeed a very sober man. After he had lain some time in prison, the lords, according to law, bailed him; but the commons caused him the next day to be recommitted, and preferred an impeachment against him, for no other crime but “advising and contriving that petition.” The gentleman defended himself, “that it was always held, and so publicly declared this parliament, to be lawful, in a modest way, to petition for the removal or prevention of any grievance: that he observing very many petitions to be delivered, and received, for the settling the militia in another way than was then agreeable to the law, or had been practised, and conceiving that the same would prove very prejudicial to the city of London, of which he was a member, he had joined with many other citizens, of known ability and integrity, in a petition against so great an inconvenience; which he presumed was lawful for him to do.” How reasonable soever this defence was, the house of peers adjudged him to be disfranchised, and incapable of any office in the city, to be committed to the common gaol of Colchester, (for his reputation was so great in London, that they would not trust him in a city prison,) and fined him three thousand pounds.

- 52 About the same time, at the general assizes in Kent, the justices of peace and principal gentlemen of that county prepared a petition to be presented to the two houses, with a desire, “that the militia might not be otherwise exercised in that county than the known law permitted: and that the Book of Common-Prayer, established by law, might be observed.” This petition was communicated by many to their friends, and copies thereof sent abroad, before the subscription was ready; whereupon the house of peers took notice of it, as tending to some commotion in Kent; and, in the

debate, the earl of Bristol taking notice, "that he had seen a copy of it, and had had some conference about it with judge Mallet," who was then judge of assize in Kent, and newly returned out of his circuit, both the earl and judge, for having but seen the petition, were presently committed to the Tower; and a declaration published, "that none should presume to deliver that or the like petition to either house." Notwithstanding which, some gentlemen of Kent, with a great number of the substantial inhabitants of that county, came to the city; which, upon the alarum, was put in arms; strong guards placed at London-bridge, where the petitioners were disarmed, and only some few suffered to pass with their petition to Westminster; the rest forced to return to their country. And, upon the delivery thereof (though the same was very modest, and in a more dutiful dialect than most petitions delivered to them) to the house of commons, the bringers of the petition were sharply reprehended; two or three of them committed to several prisons; the principal gentlemen of the country, who had subscribed and advised it, sent for as delinquents; and charges and articles of impeachment drawn up against them; and a declaration published, "that whosoever should henceforth advise or contrive the like petitions should be proceeded against, as enemies to the commonwealth." So unlike and different were their tempers, and reception of those modest addresses, which were for duty and obedience to the laws established, and those which pressed and brought on alteration and innovation. But that injustice gave great life and encouragement to their own proselytes; and taught others to know that their being innocent would not be long easy or safe: and this kind of justice extended itself in the same measure to their own members, who opposed their irregular determinations; who besides the agony and vexation of

having the most abstract reason and confessed law rejected, and overruled with contempt and noise, were liable to all the personal reproaches and discountenance that the pride and petulancy of the other party could lay upon them; and were sometimes imprisoned and disgraced, for freely speaking their opinions and conscience in debate.

- 53 All sorts of men being thus terrified, the commons remembered that a great magazine of the king's ammunition lay still at Hull; and though that town was in the custody of a confident of their own, yet they were not willing to venture so great a treasure so near the king, who continued at York, with a great resort of persons of honour and quality from all parts; and therefore they resolved, under pretence of supplying Ireland, to remove it speedily from thence; and to that purpose moved the lords to join with them in an order. The lords, who proceeded with less fury and more formality, desired that it might be done with the king's consent. After a long debate, the one thinking they merited much by that civility, the other contented to gratify those in the ceremony, who, they knew, would in the end concur with them, a petition was agreed upon to be sent to his majesty; in which, that he might the sooner yield to them in this matter, they resolved to remember him of that which they thought would reflect on him with the people, and to "move him to take off the reprieve from the six priests," which is before mentioned. And so they sent their petition to him, telling him,

"That they found the stores of arms and ammunition in the Tower of London much diminished; and that the necessity for supply of his kingdom of Ireland (for which they had been issued from thence) daily increased; and that the occasion for which the magazine was placed at Hull was now taken away; and considering it would be kept at London with less

charge, and more safety, and transported thence with much more convenience for the service of the kingdom of Ireland; they therefore humbly prayed, that his majesty would be graciously pleased to give leave, that the said arms, cannon, and ammunition, now in the magazine at Hull, might be removed to the Tower of London, according as should be directed by both his houses of parliament. And whereas six priests, then in Newgate, were condemned to die, and by his majesty had been reprieved, they humbly prayed his majesty to be pleased that the said reprieves might be taken off, and the priests executed according to law."

54 To which petition his majesty immediately returned answer in these words:

"We rather expected, and have done so long, that you should have given us an account, why a garrison hath been placed in our town of Hull, without our consent, and soldiers billeted there against law, and express words of the Petition of Right, than to be moved, for the avoiding of a needless charge you have put upon yourselves, to give our consent for the removal of our magazine and munition, our own proper goods, upon such general reasons as indeed give no satisfaction to our judgment: and since you have made the business of Hull your argument, we would gladly be informed, why our own inclination, on the general rumour of the designs of papists in the northern parts, was not thought sufficient ground for us to put a person of honour, fortune, and unblemished reputation, into a town and fort of our own, where our own magazine lay: and yet the same rumour be warrant enough for you to commit the same town and fort, without our consent, to the hands of sir John Hotham, with a power unagreeable to the law of the land or the liberty of the subject.

55 "And yet of this, in point of right or privilege, for sure we are not without privilege too, we have not all this while complained: and being confident that the place, whatsoever discourse there is of public or private instructions to the contrary, shall be speedily given up, if we shall require it, we shall be contented to dispose our munition there, as we have done in other places, for the public ease and benefit, as, upon par-

particular advice, we shall find convenient; though we cannot think it fit, or consent, that the whole magazine be removed together. But when you shall agree upon such proportions as shall be held necessary for any particular service, we shall sign such warrants as shall be agreeable to wisdom and reason; and if any of them be designed for Ulster or Leinster, you know well the conveyance will be more easy and convenient from the place they now are in. Yet we must tell you, that if the fears are so great from the papists at home, or of foreign force, as is pretended, it seems strange that you make not provision of arms and munition for defence of this kingdom, rather than seek to carry any more from hence, without some course taken for supply; especially, if you remember your engagement to our Scotch subjects for that proportion of arms which is contained in your treaty. We speak not this, as not thinking the sending of arms to Ireland very necessary, but only for the way of the provision. For you know what great quantities we have assigned out of our several stores, which in due time we hope you will see replenished. For the charge of looking to the magazine at Hull, as it was undertaken voluntarily by you at first, and, to say no more, unnecessarily; so you may free our good people of that charge, and leave it to us to look to, who are the proper owner of it. And this, we hope, will give you full satisfaction in this point, and that ye do not, as ye have done in the business of the militia, send this message out of compliment and ceremony, resolving to be your own carvers at last. For we must tell you, if any attempt shall be made or given in this matter, without our consent or approbation, we shall esteem it as an act of violence against us; and declare it to all the world, as the greatest violation of our right and breach of our privilege.

56 “Concerning the six priests condemned, it is true they were reprieved by our warrant, [we] being informed that they were by some restraint disabled to take the benefit of our former proclamation: since that, we have issued out another, for the due execution of the laws against papists; and have most solemnly promised, in the word of a king, never to pardon any priest without your consent which shall be found guilty by law; desiring to banish these, having herewith sent warrant to that purpose, if, upon second thoughts, you do not disap-

prove thereof. But if you think the execution of these persons so very necessary to the great and pious work of reformation, we refer it wholly to you; declaring hereby, that upon such your resolution signified to the ministers of justice our warrant for their reprieve is determined, and the law to have the course. And now let us ask you, (for we are willing to husband time, and to despatch as much as may be under one message; God knows the distractions of this kingdom want a present remedy,) will there never be a time to offer to, as well as to ask of us? We will propose no more particulars to you, having no luck to please or to be understood by you; take your own time for what concerns our particular; but be sure you have an early, speedy care of the public; that is, of the only rule that preserves the public, the law of the land; preserve the dignity and reverence due to that. It was well said in a speech made by a private person; it was Mr. Pym's speech against the earl of Strafford, but published by order of the house of commons this parliament: 'The law is that which puts a difference betwixt good and evil, betwixt just and unjust. If you take away the law, all things will fall into a confusion, every man will become a law unto himself; which, in the depraved condition of human nature, must needs produce many great enormities. Lust will become a law, and envy will become a law; covetousness and ambition will become laws; and what dictates, what decisions, such laws will produce, may easily be discerned.' He said that gentleman, and much more, very well, in defence of the law, and against arbitrary power. It is worth looking over, and considering: and if the most zealous defence of [the] true protestant profession, and the most resolved protection of the law, be the most necessary duty of a prince, we cannot but believe this miserable distance and misunderstanding can be long continued between us; we having often and earnestly declared them to be the chiefest desires of our soul, and the end and rule of all our actions. For Ireland, we have sufficiently, and we hope satisfactorily, expressed to all our good friends our hearty sense of that sad business, in our several messages in that argument, but especially in our last of the eighth of this month, concerning our resolution for that service; for the speedy, honourable, and full performance whereof, we beseech you to yield all possible assistance and present advice."

-58. *produced no good effect on the parliament.* (1642.) 41

57 This answer was received with the usual circumstances of trouble and discontent, the taxation of evil counsellors, and malignant persons about the king : and that clause about the condemned priests exceedingly displeased them ; for by the king's reference of the matter entirely to them, he had removed the scandal from himself, and laid it at their doors ; and though they were well content, and desirous, that they should have been executed by the king's warrant for taking off his own reprieve, (whereby they should have made him retract an act of his own mercy, and undeniably within his own power ; and thereby have lessened much of the devotion of that people to him, when they should have seen him quit his power of preserving them in the least degree,) yet, for many reasons, they were not willing to take that harsh part upon themselves ; and so those condemned priests were no more prosecuted, and were much safer under that reference for their execution, than they could have been at that time by a pardon under the great seal of England. For the other part of the answer concerning the magazine, it made no pause with them ; but, within few days after, they sent a warrant to their own governor, sir John Hotham, to deliver it ; and to their own admiral, the earl of Warwick, to transport it to London ; which was, notwithstanding the king's inhibition, done accordingly. But they had at that time another message from the king, which was referred to in the last clause of that answer, and came to their hands some few days before, that gave them some serious trouble and apprehension ; the grounds and reasons of which were these :

58 The king finding that, notwithstanding all the professions and protestations he could make, the business of Ireland was still unreasonably objected to him, as if he were not cordial in the suppressing that rebellion, sent a message to both houses,

59 “ That being grieved at the very soul for the calamities of his good subjects of Ireland, and being most tenderly sensible of the false and scandalous reports dispersed amongst the people concerning the rebellion there ; which not only wounded his majesty in honour, but likewise greatly retarded the reducing that unhappy kingdom, and multiplied the distractions at home, by weakening the mutual confidence between him and his people : out of his pious zeal to the honour of Almighty God, in establishing the true protestant profession in that kingdom, and his princely care for the good of all his dominions, he had firmly resolved to go with all convenient speed into Ireland, to chastise those wicked and detestable rebels, odious to God and all good men ; thereby so to settle the peace of that kingdom, and the security of this, that the very name of fears and jealousies might be no more heard of amongst them.

60 “ And he said, as he doubted not but his parliament would cheerfully give all possible assistance to this good work, so he required them, and all his loving subjects, to believe, that he would, upon those considerations, as earnestly pursue that design, not declining any hazard of his person in performing that duty, which he owed to the defence of God's true religion and his distressed subjects, as he undertook it for those only ends ; to the sincerity of which profession he called God to witness, with this further assurance, that he would never consent, upon whatsoever pretence, to a toleration of the popish profession there, or the abolition of the laws now in force against popish recusants in that kingdom.

61 “ His majesty further advertised them, that, towards this work, he intended to raise forthwith, by his commission, in the counties near West Chester, a guard for his own person, (when he should come into Ireland,) consisting of two thousand foot and two hundred horse, which should be armed at West Chester from his magazine at Hull ; at which time, he said, all the officers and soldiers should take the oaths of supremacy and allegiance ; the charge of raising and paying whereof he desired the parliament to add to their former undertakings for that war ; which he would not only well accept, but, if their pay should be found too great a burden to his good subjects, he would be willing, by the advice of his parliament, to sell or

pawn any of his parks, lands, or houses, towards the supplies of the service of Ireland. With the addition of these levies to the former of English and Scots, agreed upon in parliament, he said, he hoped so to appear in that action, that, by the assistance of Almighty God, that kingdom, in a short time, might be wholly reduced, and restored to peace, and some measure of happiness; whereby he might cheerfully return, to be welcomed home with the affections and blessings of all his good English people.

62 "Towards this good work, he said, as he had lately made despatches into Scotland, to quicken the levies there for Ulster, so he heartily wished that his parliament would give all possible expedition to those which they had resolved for Munster and Connaught; and hoped the encouragement which the adventurers, of whose interests he would be always very careful, would hereby receive, would raise full sums of money for the doing thereof. He told them, that out of his earnest desire to remove all occasions which did unhappily multiply misunderstandings between him and his parliament, he had likewise prepared a bill to be offered to them by his attorney concerning the militia; whereby he hoped the peace and safety of the kingdom might be fully secured to the general satisfaction of all men, without violation of his majesty's just rights, or prejudice to the liberty of the subject. If this should be thankfully received, he said, he should be glad of it; if refused, he must call God, and all the world, to judge on whose part the default was; only he required, if the bill should be approved of, that if any corporation should make their lawful rights appear, they might be reserved to them. He said, before he would part from England, he would take all due care to intrust such persons with such authority in his absence, as he should find to be requisite for the peace and safety of the kingdom, and the happy progress of the parliament."

63 They neither before nor after ever received any message from his majesty that more discomposed them; and so much the more, because that which gave them most umbrage could not be publicly and safely avowed by them. For though to those who had a due reverence to the king's person and an impatient desire that all mis-

understandings might be composed they urged, "the hazard and danger to his majesty's person, in such an expedition, and the increase of jealousies and distractions that would ensue in this kingdom by his absence;" and to others, as well those who from the barbarity, inhumanity, and unheard of cruelty exercised by the rebels in Ireland upon the English protestants, (of which they every day received fresh and bleeding evidence,) had contracted a great animosity against the nation, and were persuaded that the work of extirpation was not so difficult as in truth it was, as to the adventurers, who had disbursed great sums of money, and had digested a full assurance of ample recompense by confiscations and forfeitures; "that by this voyage of the king a peace would be in [a] short time concluded in that kingdom, to their great disadvantage and damage;" yet the true reasons, which surprised and startled them, were, that hereby the managing the war of Ireland would be taken out of their hands; and so, instead of having a nursery for soldiers of their own, which they might employ as they saw occasion, and a power of raising what money they pleased in this kingdom under that title, which they might dispose as they found most fit for their affairs; the king would probably in a short time recover one entire kingdom to his obedience, by which he might be able to preserve the peace of the other two. However, working by the several impressions upon the several affections, they found it no difficult thing to persuade almost an unanimous aversion from approving the journey; they who usually opposed their advice not enduring to think of staying in England, where the power, at least for a time, would be in them, whose government, they knew, would be terrible when his majesty should be in Ireland. And then they despatched a magisterial answer to the king, in which they told him,

64 "That the lords and commons in parliament had duly con-

sidered the message received from his majesty concerning his purpose of going into Ireland in his own person to prosecute the war there, with the bodies of his English subjects, levied, transported, and maintained at their charge; which he was pleased to propound to them, not as a matter wherein he desired the advice of his parliament, but as already firmly resolved on, and forthwith to be put in execution, by granting out commissions for the levying of two thousand foot and two hundred horse, for a guard for his person, when he should come into that kingdom; wherein they said, they could not but, with all reverence and humility to his majesty, observe, that he had declined his great council, the parliament, and varied from the usual course of his royal predecessors; that a business of so great importance concerning the peace and safety of all his subjects, and wherein they have a special interest, by his majesty's promise, and by those great sums which they had disbursed, and for which they stood engaged, should be concluded and undertaken without their advice; whereupon, they said, they held it their duty to declare, that if, at that time, his majesty should go into Ireland, he would very much endanger the safety of his royal person and kingdoms, and of all other states professing the protestant religion in Christendom, and make way to the execution of that cruel and bloody design of the papists, every where to root out and destroy the reformed religion; as the Irish papists had already, in a great part, effected in that kingdom; and, in all likelihood, would quickly be attempted in other places, if the consideration of the strength and union of the two nations of England and Scotland did not much hinder and discourage the execution of any such design. And that they might manifest to his majesty the danger and misery which such a journey and enterprise would produce, they presented to his majesty the reasons of that their humble opinion and advice:

1. "His royal person would be subject, not only to the casualty of war, but to secret practices and conspiracies; especially his majesty continuing his profession to maintain the protestant religion in that kingdom, which the papists were generally bound by their vow to extirpate.

2. "It would exceedingly encourage the rebels; who did generally profess and declare, that his majesty did favour and

allow their proceedings, and that this insurrection was undertaken by the warrant of his commission ; and it would make good their expectation of great advantage, by his majesty's presence at that time, of so much distraction in this kingdom, whereby they might hope the two houses of parliament would be disabled to supply the war there, especially there appearing less necessity of his majesty's journey at that time, by reason of the manifold successes which God had given against them.

3. " It would much hinder and impair the means whereby the war was to be supported, and increase the charge of it, and in both these respects make it more insupportable to the subject ; and this, they said, they could confidently affirm ; because many of the adventurers, who had already subscribed, did, upon the knowledge of his majesty's intention, declare their resolution not to pay in their money ; and others, very willing to have subscribed, do now profess the contrary.

4. " His majesty's absence must necessarily very much interrupt the proceedings of parliament ; and deprive his subjects of the benefit of those further acts of grace and justice, which they should humbly expect from his majesty for the establishing of a perfect union and mutual confidence between his majesty and his people, and procuring and confirming the prosperity and happiness of both.

5. " It would exceedingly increase the fears and jealousies of his people ; and render their doubts more probable, of some force intended, by some evil councils near his majesty, in opposition of the parliament, and favour of the malignant party of this kingdom.

6. " It would bereave his parliament of that advantage, whereby they were induced to undertake that war, upon his majesty's promise, that it should be managed by their advice ; which could not be done, if his majesty, contrary to their counsels, should undertake to order and govern it in his own person.

65 " Upon which, (they said,) and divers other reasons, they had resolved, by the full and concurrent agreement of both houses, that they could not, with discharge of their duty, consent to any levies or raising of soldiers to be made by his majesty for that his intended expedition into Ireland ; or to the payment of any army or soldiers there, but such as should be employed and governed according to their advice and direction :

and that, if such levies should be made by any commission of his majesty, not agreed to by both houses of parliament, they should be forced to interpret the same to be raised to the terror of his people and disturbance of the public peace ; and did hold themselves bound, by the laws of the kingdom, to apply the authority of parliament to suppress the same.

66 “ And, they said, they did further most humbly declare, that if his majesty should by ill counsel be persuaded to go, contrary to that advice of his parliament, (which they hoped his majesty would not,) they did not, in that case, hold themselves bound to submit to any commissioners which his majesty should choose ; but did resolve to preserve and govern the kingdom by the counsel and advice of parliament, for his majesty and his posterity, according to their allegiance and the law of the land : wherefore they did most humbly pray and advise his majesty to desist from that his intended passage into Ireland, and from all preparation of men and arms tending thereunto ; and to leave the managing of that war to his parliament, according to his promise made unto them, and his commission granted under his great seal of England, by advice of both houses ; in prosecution whereof, by God’s blessing, they had already made a prosperous entrance, by many defeats of the rebels, whereby they were much weakened and disheartened ; and had no probable means of subsistence, if the proceedings of the two houses were not interrupted by that interposition of his majesty’s journey : but they hoped, upon good grounds, that, within a short time, without hazard of his person, and so much dangerous confusion to his kingdoms, which must needs ensue, if he should proceed in that resolution, they should be enabled fully to vindicate his majesty’s right and authority in that kingdom ; and punish those horrible, outrageous cruelties, which had been committed in the murdering and spoiling so many of his subjects ; and to bring that realm to such a condition, as might be much to the advantage of his majesty and the crown, and the honour of his government, and contentment of his people : for the better and more speedy effecting whereof they did again renew their humble desires of his return to his parliament ; and that he would please to reject all counsels and apprehensions which might any way derogate from that faithfulness and allegiance, which, in truth and sincerity, they had always borne and

professed to his majesty, and should ever make good, to the uttermost, with their lives and fortunes."

67 This petition (the matter whereof finding a general concurrence, there was the least debate and contradiction upon the manner of expression) being sent to the king to York; and, in the mean time, all preparation being suspended for the necessary relief for Ireland, insomuch as with the votes (which were presently printed) against the king's journey, there was likewise an order printed to discourage the adventurers from bringing in their money; the which, though it had no approbation from either house, and seemed to be angrily interpreted by them, and the printer was ordered to be found out and punished, yet did wholly stop that service; and by the no-inquiry or punishment of that boldness, appeared to be done by design; his majesty speedily returned this answer:

68 "That he was so troubled and astonished to find that unexpected reception and misunderstanding of his message concerning his Irish journey, that (being so much disappointed of the approbation and thanks he looked for to that declaration) he had great cause to doubt, whether it were in his power to say or do any thing which would not fall within the like interpretation: but he said, as he had in that message called God to witness the sincerity of the profession of his only ends for the undertaking that journey; so he must appeal to all his good subjects, and the whole world, whether the reasons alleged against that journey were of weight to satisfy his understanding; or the counsel, presented to dissuade him from it, were full of that duty, as was like to prevail over his affections. For the resolving of so great a business without the advice of his parliament, he said, he must remember, how often, by his messages, he made the same offer, if they should advise him thereunto; to which they never gave him the least answer; but, in their late declaration, told him, that they were not to be satisfied with words: so that he had reason to conceive, they rather avoided, out of regard to his person, to give him counsel to run that

hazard, than that they disapproved the inclination. And he asked them what greater comfort or security the protestants of Christendom could receive, than by seeing a protestant king venture, and engage his person for the defence of that religion and the suppression of popery? to which he solemnly protested, in that message, never to grant a toleration, upon what pretence soever, or an abolition of any of the laws then in force against the professors of it. And he said, when he considered the great calamities and unheard of cruelties his poor protestant subjects in that kingdom had undergone for the space of near or full six months; the growth and increase of the strength of those barbarous rebels; and the evident probability of foreign supplies, if they were not speedily suppressed; the very slow succours hitherto sent them from hence: that the officers of several regiments, who had long time been allowed entertainment for that service, had not raised any supply or succour for that kingdom; that many troops of horse had long lain near Chester untransported; that the lord lieutenant of Ireland, on whom he relied principally for the conduct and managing of affairs there, was still in this kingdom, notwithstanding his majesty's earnestness expressed that he should repair to his command: and when he considered the many and great scandals raised upon himself by report of the rebels, and not sufficiently discountenanced here, notwithstanding so many professions of his majesty; and had seen a book, lately printed by the order of the house of commons, entitled, *A Remonstrance of divers remarkable Passages concerning the Church and Kingdom of Ireland*, wherein some examinations were set down, (how improbable or impossible soever,) which might make an impression in the minds of many of his weak subjects: and, lastly, when he had duly weighed the dishonour which would perpetually lie upon this kingdom, if full and speedy relief were not despatched thither; his majesty could not think of a better way to discharge his duty to Almighty God, for the defence of the true protestant religion, or to manifest his affection to his three kingdoms, for their preservation, than by engaging his person in that expedition, as many of his royal progenitors had done, even in foreign parts, upon causes of less importance and piety, with great honour to themselves and advantage to this king-

dom. And therefore he expected at least thanks for such his inclination.

- 69 "For the danger to his person, he said, he conceived it necessary, and worthy of a king, to adventure his life to preserve his kingdom; neither could it be imagined that he would sit still and suffer his kingdoms to be lost, and his good protestant subjects to be massacred, without exposing his own person to the utmost hazard for their relief and preservation; his life, when it was most pleasant, being nothing so precious to him, as it was and should be to govern and preserve his people with honour and justice.
- 70 "For any encouragement to the rebels, because of the reports they raised, he said, he could not conceive that the rebels were capable of a greater terror than by the presence of their lawful king, in the head of an army, to chastise them. Besides, it would be an unspeakable advantage to them, if any report of theirs could hinder him from doing any thing which were fit for him to do if such report were not raised: that would quickly teach them, in this jealous age, to prevent, by such reports, any other persons coming against them, whom they had no mind should be employed.
- 71 "He told them, he marvelled, that the adventurers, whose advantage was a principal motive (next the reasons before mentioned) to him, should so much mistake his purpose; whose interest he conceived must be much improved by the expedition he hoped, by God's blessing, to use in that service; that being the most probable way for the speedy conquest of the rebels, their lands were sufficiently secured by act of parliament.
- 72 "He told them, he thought himself not kindly used, that the addition of so few men to their levies (for a guard to his person in Ireland) should be thought fit for their refusal; and much more, that having used so many cautions in that message, both in the smallness of the number; in his having raised none, until their answer; in their being to be raised only near the place of shipping; in their being there to be armed, and that not till they were ready to be shipped; in the provision, by the oaths, that none of them should be papists, (all which were sufficient to destroy all grounds of jealousy of any force intended by them in opposition to the parliament, or favour to any malignant

party,) any suspicion should, notwithstanding, be grounded upon it.

73 “Neither, he said, could it be understood, that, when he recommended the managing of that war to them, that he intended to exclude himself, or not to be concerned in their counsels, that if he found any expedient, (which in his conscience and understanding he thought necessary for that great work,) he might not put it in practice. He told them, he looked upon them as his great council, whose advice he always had, and would, with great regard and deliberation, weigh and consider : but he looked upon himself as neither deprived of his understanding or divested of any right he had, if there were no parliament sitting. He said, he called them together by his own writ and authority (without which they could not have met) to give him faithful counsel about his great affairs ; but he resigned not up his own interest and freedom ; he never subjected himself to their absolute determination ; he had always weighed their counsels, as proceeding from a council intrusted by him ; and when he had dissented from them, he had returned them the reasons which had prevailed with his conscience and understanding, with that candour which a prince should use towards his subjects, and that affection which a father could express to his children. What application had been used to rectify his understanding by reasons, or what motives had been given to persuade his affections, he would leave all the world to judge. And then, he said, he must tell them, howsoever a major part might bind them in matter of opinion, he held himself (and he was sure the law and constitution of the kingdom had always held the same) as free to dissent, till his reason were convinced for the general good, as if they had delivered no opinion.

74 “For his journey itself, he told them the circumstances of their petition were such, as he knew not well what answer to return, or whether he were best to give any ; that part which pretended to carry reason with it did no way satisfy him ; the other, which was rather reprehension and menace, than advice, could not stagger him. His answer therefore was, that he should be very glad to find the work of Ireland so easy as they seemed to think it ; which did not so appear by any thing known to him when he sent his message : and though he would

never refuse, or be unwilling, to venture his person for the good and safety of his people, he was not so weary of his life as to hazard it impertinently; and therefore, since they seemed to have received advertisements of some late and great successes in that kingdom, he would stay some time to see the event of those, and not pursue his resolution till he had given them a second notice: but, if he found the miserable condition of his poor subjects of that kingdom were not speedily relieved, he would, with God's assistance, visit them with succours as his particular credit and interest could supply him with, if they refused to join with him. And he doubted not but the levies he should make (in which he would observe punctually the former and all other cautions, as might best prevent all fears and jealousies; and to use no power but what was legal) would be so much to the satisfaction of his subjects, as no person would dare presume to resist his commands; and if they should, at their peril [be it]. In the mean time, he hoped his forwardness, so remarkable to that service, should be notorious to all the world; and that all scandals laid on him in that business should be clearly wiped away.

75 "He told them, he had been so careful that his journey into Ireland should not interrupt the proceedings of parliament, nor deprive his subjects of any acts of justice, or further acts of grace for the real benefit of his people, that he had made a free offer of leaving such power behind, as should not only be necessary for the peace and safety of the kingdom, but fully provide for the happy progress of the parliament: and therefore he could not but wonder, since such power had been always left here by commission for the government of this kingdom, when his progenitors had been out of the same, during the sitting of parliaments, and since themselves desired that such a power might be left here by his majesty at his last going into Scotland, what law of the land they had now found to dispense with them from submitting to such authority, legally derived from him, in his absence, and to enable them to govern the kingdom by their own mere authority.

76 "For his return to London, he said, he had given them so full answers in his late declaration and answers, that he knew not what to add, if they would not provide for his security with them, nor agree to remove to another place, where there might

not be the same danger to his majesty. He told them, he expected, that (since he had been so particular in the causes and grounds of his fears) they should have sent him word, that they had published such declarations against future tumults and unlawful assemblies, and taken such courses for the suppressing seditious pamphlets and sermons, that his fears of that kind might be laid aside, before they should press his return.

77 "To conclude, he told them, he could wish that they would with the same strictness and severity weigh and examine their messages and expressions to him, as they did those they received from him. For he was very confident, that if they examined his rights and privileges by what his predecessors had enjoyed, and their own addresses by the usual courses observed by their ancestors, they would find many expressions in that petition warranted only by their own authority; which indeed he forbore to take notice of, or to give answer to, lest he should be tempted, in a just indignation, to express a greater passion than he was yet willing to put on. God in his good time, he hoped, would so inform the hearts of all his subjects, that he should recover from the mischief and danger of that distemper; on whose good pleasure, he said, he would wait with all patience and humility."

78 And from this time the purpose was never resumed of his majesty's personal expedition into Ireland, and so they were freed from that apprehension. The truth is, that counsel for his majesty's journey into Ireland was very suddenly taken, and communicated to very few, without consideration of the objections that would naturally arise against it; and was rather resolved as a probable stratagem to compose the two houses to a better temper and sobriety, upon the apprehension of the king's absence from them, and the inconveniences that might thence ensue, than sufficiently considered and digested for execution. For none were more violent against it than they who served the king most faithfully in the houses; who, in the king's absence, and after such a grant of the militia as was then offered, looked upon themselves as sacrificed to the pride and fury of those whose inclinations and temper had begot the confusions

they complained of. But if it had been so duly weighed and consulted, and men so disposed, that it might have been executed, and the king [had] taken a fit council and retinue about him, it would at that time have been no hard matter speedily to have reduced Ireland; and, by the reputation and authority of that, the other two kingdoms might have been contained within their proper bounds. But, as it fell out, the overture proved disadvantageous to the king, and gave the other party new cause of triumph, that they had plainly threatened him out of what he pretended to have firmly resolved to do; which disadvantage was improved by the other proposition that attended it concerning the militia. For the bill sent by the king upon that argument brought the business again into debate; and, though nothing was concluded upon it, the king was a loser by the proposition, though not so much as he feared he should have been, when he saw his journey into Ireland desperate; upon the supposition of which he had only made that tender.

79 The bill sent by the king, and preferred to the house of peers by the attorney general, granted the militia for one year to the persons first nominated by the houses in their ordinance to his majesty, and made those persons in the execution of that trust subject to the authority of his majesty and the two houses jointly whilst his majesty was within the kingdom, and in his absence, of the two houses only. What alterations and amendments they made in it before they returned it again for the royal assent will best appear by the king's answer, which he sent to them at the time of his refusal to pass it; which was,

80 "That he had, with great deliberation and patience, weighed and considered (as it concerned him much to weigh the consequences of every law before he passed it) their bill lately sent to him for the settling the militia; and though it had not been usual to give any reason for the refusal to pass any bill, it

being absolutely in his power to pass or not pass any act sent to him, if he conceived it prejudicial to himself, or inconvenient for his subjects, for whom he was trusted, and must one day give an account; yet, in that business of the militia, which being misunderstood amongst his good subjects had been used as an argument as if he were not vigilant enough for the public safety, and lest he should be thought less constant in his resolutions, and that bill to be the same he had sent to them, he thought fit to give them and all the world particular satisfaction, why he could not, ought not, must not pass that bill, being the first public bill he had refused this parliament: and therefore, he told them, he must complain, that, having expressed himself so clearly and particularly to them in that point, they should press any thing upon him which they could not but foresee that he must refuse; except he departed from those resolutions, grounded upon so much reason, he had so earnestly before acquainted them with, and against which they had not given one argument to satisfy his judgment.

81 “ He told them, he was pleased they had declined the unwarrantable course of their ordinance, (to the which, he was confident, his good subjects would never have yielded their consent,) and chosen that only right way of imposing upon the people, which he would have allowed but for the reasons following :

82 “ He said, he had refused to consent to their ordinance, as for other things, so for that the power was put into the persons nominated therein by direction of both houses of parliament, excluding his majesty from any power in the disposition or execution of it together with them: he had then advised them, for many reasons, that a bill should be prepared; and after, in his answer of the 26th of March to the petition of both houses, he had told them, if such a bill should be prepared with that due regard to his majesty and care of his people, in the limitation of the power, and other circumstances, he should recede from nothing he formerly expressed.

83 “ What passed (enough to have discouraged him from being further solicitous in that argument) after his full and gracious answers, he was content to forget. When he resolved [on] his journey into Ireland, so that, by reason of his absence, there might be no want of settling that power; besides complying with their fears, he sent, together with a message of that his

purpose, a bill for the settling that power for a year; hoping in that time to return to them, and being sure that in much less time they might do the business for which at first they seemed to desire this; which was, that they might securely consider his message of the 20th of January last. By that bill, which he sent, he consented to those names they proposed in their ordinance, and in the limitation of the power; provided, that himself should not be able to execute any thing but by their advice; and when he should be out of the kingdom, the sole execution to be in them; with many other things, of so arbitrary and uncircumscribed a power, that he should not have consented to but with reference to the absence of his own person out of the kingdom, and thought it the more sufferable in respect the time was but for a year. Whether that bill they had sent to him to pass were the same, the world would judge.

84 “ He said, they had, by that bill tendered to his majesty, without taking notice of him, put the power of the whole kingdom, the life and liberties of the subjects of all degrees and qualities, into the hands of particular men, for two years. He asked them, if they could imagine he would trust such an absolute power in the hands of particular persons, which he had refused to commit to both houses of parliament? Nay, if the power itself were not too absolute, too unlimited, to be committed into any private hands? Whether sir J. Hotham’s high insolence shewed him not what he might expect from an exorbitant legal power, when he, by a power not warranted by law, durst venture upon a treasonable disobedience? But his majesty would willingly know, and indeed such an account in ordinary civility, he said, he might have expected, why he was by that act absolutely excluded from any power or authority in the execution of the militia. He said, sure their fears and jealousies were not of such a nature as were capable of no other remedy than by leaving him no power in a point of the greatest importance; in which God and the law had trusted him solely, and which he had been contented to share with them by his own bill, by putting it and a greater into the hands of particular subjects. He asked them, what all Christian princes would think of him after he had passed such a bill? how they would value his sovereignty? And yet, he said, sure his reputation with foreign princes was some ground of their security.

Nay, he was confident, by that time they had thoroughly considered the possible consequence of that bill upon themselves and the rest of his good subjects, they would all give him thanks for not consenting to it; finding their condition, if it should have passed, would not have been so pleasing to them. He told them, he hoped that animadversion would be no breach of their privileges. In that throng of business and distemper of affections it was possible second thoughts might present somewhat to their considerations which escaped them before.

85 “He remembered them, that he had passed a bill this parliament, at their entreaty, concerning the captives of Algiers, and waved many objections of his own to the contrary, upon information that the business had been many months considered by them; whether it proved suitable to their intentions, or whether they had not, by some private orders, suspended that act of parliament upon view of the mistakes, themselves best knew; as likewise, what other alterations they had made upon other bills passed this session. He told them, he could not pass over the putting their names out of that bill whom before they had recommended to him in their ordinance, not thinking fit, it seemed, to trust those who would obey no guide but the law of the land, (he imagined they would not wish he should in his estimation of others follow that their rule,) and the leaving out, by special provision, the present lord mayor of London, as a person in their disfavour; whereas, he said, he must tell them, his demeanour had been such, that the city, and the whole kingdom, was beholding to him for his example.

86 “To conclude, he said, he did not find himself possessed of such an excess of power, that it was fit to transfer, or consent it should be in other persons, as was directed by that bill; and therefore he should rely upon that royal right and jurisdiction, which God and the law had given him, for the suppressing of rebellion and resisting foreign invasion; which had preserved the kingdom in the time of all his ancestors, and which he doubted not but he should be able to execute. And, not more for his own honour and right, than for the liberty and safety of his people, he could not consent to pass that bill.”

87 Though no sober man could deny the reasonableness of that answer, and that there was indeed so great a difference between the bill sent by his majesty and that

presented to him from the two houses, that it could not soberly be imagined he would consent to it, yet it had been better for his majesty that that overture had never been made; it giving new life, spirit, and hopes to them; and they making the people believe (who understood not the difference, and knew not that the king's pleasure, signified by both houses of parliament, was the pleasure of both houses without the king) that his majesty now refused to consent to what himself had offered and proposed; whilst his own party (for so those began now to be called who preserved their duty and allegiance entire) was as much troubled to find so sovereign a power of the crown offered to be parted with to the two houses as was tendered to them by the king's own bill; and that it was possible for his majesty to recede from his firmest resolves, even in a point that would not naturally admit of the least division or diminution.

- 88 The king, being well pleased that he had gone through one of his resolutions, and not much troubled at the anger and trouble it had produced, and finding his court full of persons of quality of the country, [who] made all expressions of affection and duty, which they thought would be most acceptable to him, he resolved to undertake another enterprise, which was of more importance, and which in truth was the sole motive of his journey into those parts. The great magazine of arms and ammunition which was left upon the disbanding the army remained still at Hull, and was a nobler proportion than remained in the Tower of London, or all other his majesty's stores; and there had been formerly a purpose to have secured the same by the earl of Newcastle's presence there, which had been disappointed, as hath been before mentioned, and sir John Hotham sent thither to look to it; who was now there only with one of the companies of the trained bands: and so the king resolved that he would himself make a journey

thither with his own usual train; and being there, that he would stay there, till he had secured the place to him. This was his purpose; which he concealed to that degree, that very few about him knew any thing of it.

- 89 As soon as it was known that his majesty meant to reside in York, it was easily suspected that he had an eye upon the magazine; and therefore they made an order in both houses, that the magazine should be removed from Hull to the Tower; and ships were making ready for the transportation; so that his majesty could no longer defer the execution of what he designed. And being persuaded by some who believed themselves that if he went thither it would neither be in sir J. Hotham's will or his power to keep him out of that town; and that being possessed of so considerable a port and of the magazine there, (which the houses had ordered to be speedily sent to London,) he should find a better temper towards a modest and dutiful treaty; his majesty took the opportunity of a petition presented to him by the gentlemen of Yorkshire, (who were much troubled at the order for removing the magazine from Hull; and were ready to appear in any thing for his service,) by which "they desired him to cast his eyes and thoughts upon the safety of his own person and his princely issue, and that whole county; a great means whereof, they said, did consist in the arms and ammunition at Hull, placed there by his princely care and charge; and since, upon general apprehensions of dangers from foreign parts, thought fit to be continued: and they did very earnestly beseech him, that he would take such course, that it might still remain there, for the better securing those, and the rest of the northern parts." Hereupon he resolved to go thither himself; and, the night before, he sent his son the duke of York, who was lately arrived from Richmond, accompanied with the prince elector,

thither, with some other persons of honour; who knew no more, than that it was a journey given to the pleasure and curiosity of the duke. Sir John Hotham received them with that duty and civility that became him. The next morning early, the king took horse from York; and, attended with two or three hundred of his servants, and gentlemen of the country, rode thither; and, when he came within a mile of the town, sent a gentleman to sir John Hotham, "to let him know that the king would that day dine with him;" with which he was strangely surprised, or seemed to be so.

90 It was then reported, and was afterwards averred by himself to some friends, that he had received the night before advertisement, from a person very near to and very much trusted by his majesty, of the king's purpose of coming thither, and that there was a resolution of hanging him, or cutting his throat as soon as he was in the town.

91 The man was of a fearful nature and perplexed understanding, and could better resolve upon deliberation than on a sudden; and many were of opinion, that if he had been prepared dexterously beforehand, and in confidence, he would have conformed to the king's pleasure; for he was master of a noble fortune in land, and rich in money; of a very ancient family, and well allied; his affections to the government very good; and no man less desired to see the nation involved in a civil war than he: and when he accepted this employment from the parliament he never imagined it would engage him in rebellion; but believed that the king would find it necessary to comply with the advice of his two houses, and that the preserving that magazine from being possessed by him would likewise prevent any possible rupture into arms. He was now in great confusion; and calling some of the chief magistrates and other officers together to consult, they persuaded him not to suffer the

king to enter into the town. And his majesty coming within an hour after his messenger, found the gates shut, and the bridges drawn, and the walls manned; all things being in a readiness for the reception of an enemy. Sir John Hotham himself from the walls, with several professions of duty, and many expressions of fear, telling his majesty, "that he durst not open the gates, being trusted by the parliament;" the king told him, "that he believed he had no order from the parliament to shut the gates against him, or to keep him out of the town." He replied, "that his train was so great, that if it were admitted, he should not be able to give a good account of the town." Whereupon the king offered "to enter with twenty horse only, and that the rest should stay without." The which the other refusing, the king desired him "to come to him, that he might confer with him, upon his princely word of safety, and liberty to return." And when he excused himself likewise from that, his majesty told him, "that as this act of his was unparalleled, so it would produce some notable effect; that it was not possible for him to sit down by such an indignity, but that he would immediately proclaim him traitor, and proceed against him as such; that this disobedience of his would probably bring many miseries upon the kingdom, and much loss of blood; all which might be prevented, if he performed the duty of a subject; and therefore advised him to think sadly of it, and to prevent the necessary growth of so many calamities, which must lie all upon his conscience." The gentleman, with much distraction in his looks, talked confusedly of "the trust he had from the parliament;" then fell on his knees, and wished, "that God would bring confusion upon him and his, if he were not a loyal and faithful subject to his majesty;" but, in conclusion, plainly denied to suffer his majesty to come into the town. Whereupon, the king caused him immediately

to be proclaimed a traitor ; which the other received with some expressions of undutifulness and contempt. And so the king, after the duke of York and prince elector, with their retinue, were come out of the town, where they were kept some hours, was forced to retire that night to Beverly, four miles from that place ; and so the next day returned to York, full of trouble and indignation for the affront he had received ; which he foresaw would produce a world of mischief.

92 The king sent an express to the two houses, with a message, declaring what had passed ; and “ that sir John Hotham had justified his treason and disloyalty by pretence of an order and trust from them ; which as he could not produce, so, his majesty was confident, they would not own ; but would be highly sensible of the scandal he had laid upon them, as well as of his disloyalty to his majesty. And therefore he demanded justice of them against him according to law.” The houses had heard before of the king's going out of York thither, and were in terrible apprehension that he had possessed himself of the town ; and that sir John Hotham, (for they were not confident of him, as of a man of their own faith,) by promises or menaces, had given up the place to him ; and with this apprehension they were exceedingly dejected : but when they heard the truth, and found that Hull was still in their hands, they were equally exalted, magnifying their trusty governor's faith, and fidelity against the king. In the mean time, the gentlemen of the north expressed a marvellous sense and passion on his majesty's behalf ; and offered to raise the force of the county to take the town by force. But the king chose, for many reasons, to send again to the houses another message, in which he told them,

93 “ That he was so much concerned in the undutiful affront (an indignity all his good subjects must disdain in his behalf)

he had received from sir John Hotham at Hull, that he was impatient till he received justice from them ; and was compelled to call again for an answer, being confident, however they had been so careful, though without his consent, to put a garrison into that his town, to secure it and his magazine against any attempt of the papists, that they never intended to dispose and maintain it against him, their sovereign. Therefore he required them forthwith (for the business would admit no delay) that they took some speedy course, that his said town and magazine might be immediately delivered up unto him ; and that such severe exemplary proceedings should be against those persons who had offered that insupportable affront and injury to him as by the law was provided ; and till that should be done he would intend no business whatsoever, other than the business of Ireland. For, he said, if he were brought into a condition so much worse than any of his subjects, that, whilst they all enjoyed their privileges, and might not have their possessions disturbed or their titles questioned, he only might be spoiled, thrown out of his towns, and his goods taken from him, it was time to examine how he had lost those privileges ; and to try all possible ways, by the help of God, the law of the land, and the affection of his good subjects, to recover them, and to vindicate himself from those injuries ; and if he should miscarry therein, he should be the first prince of this kingdom that had done so, having no other end but to defend the true protestant religion, the law of the land, and the liberty of the subject ; and he desired God so to deal with him as he continued in those resolutions."

94 Instead of any answer to his majesty upon these two messages, or sadly considering how this breach might be made up, they immediately publish (together with a declaration of their former jealousies of the papists ; of the malignant party ; of the lord Digby's letter intercepted ; of the earl of Newcastle's being sent thither, upon which they had first sent down a governor, and put a garrison into Hull) several votes and resolutions, by which they declared,

5 " That sir John Hotham had done nothing but in obedience to the command of both houses of parliament, and that the

declaring of him a traitor, being a member of the house of commons, was a high breach of the privilege of parliament, and, being without due process of law, was against the liberty of the subject and against the law of the land."

96 And hearing at the same time that a letter coming from Hull to them the night after the king's being there had been intercepted by some of his majesty's servants, they declared, "that all such intercepting of any letters sent to them was a high breach of the privilege of parliament, which by the laws of the kingdom, and the protestation, they were bound to defend with their lives and their fortunes, and to bring the violator thereof to condign punishment." Then they ordered, that the sheriffs and justices of the peace of the counties of York and Lincoln, and all others his majesty's officers, should suppress all forces that should be raised or gathered together in those counties, either to force the town of Hull, or stop the passages to and from the same, or in any other way to disturb the peace of the kingdom. All which votes, orders, and declarations, being printed, and diligently dispersed throughout the kingdom before any address made to his majesty in answer of his messages, and coming to his view, the king published an answer to those votes and declarations, in which he said :

97 "Since his gracious message to both houses of parliament, demanding justice for the high and unheard of affront offered unto him at the gates of Hull by sir John Hotham, was not thought worthy of an answer ; but that, instead thereof, they had thought fit, by their printed votes, to own and avow that unparalleled act to be done in obedience to the command of both houses of parliament, (though at that time he could produce no such command,) and, with other resolutions against his proceedings there, to publish a declaration concerning that business, as an appeal to the people, and as if their intercourse with his majesty, and for his satisfaction, were now to no more purpose ; though he knew that course of theirs to be very unagreeable to the modesty and duty of former times, and

unwarrantable by any precedents but what themselves had made; yet he was not unwilling to join issue with them in that way, and to let all the world know, how necessary, just, and lawful all his proceedings had been in that point, and that the defence of those proceedings was the defence of the law of the land, of the liberty and property of the subject; and that by the same rule of justice which was now offered to him all the private interest and title of all his good subjects to all their lands and goods was confounded and destroyed. He remembered them, that Mr. Pym had said in his speech against the earl of Strafford, (which was published by order of the commons' house,) 'The law is the safeguard, the custody of all private interest; your honours, your lives, your liberties, and estates are all in the keeping of the law; without this every man hath a like right to any thing.' And he said, he would fain be answered what title any subject of his kingdom had to his house or land, that he had not to his town of Hull? or what right any subject had to his money, plate, or jewels, that his majesty had not to his magazine or munition there? If he had ever such a title, he said he would know when he lost it? And if that magazine and munition, bought with his own money, were ever his, when and how that property went out of him? He very well knew the great and unlimited power of a parliament; but he knew as well, that it was only in that sense, as he was a part of that parliament; without him, and against his consent, the votes of either or both houses together must not, could not, should not (if he could help it, for his subjects' sake, as well as his own) forbid any thing that was enjoined by the law, or enjoin any thing that was forbidden by the law. But in any such alteration, which might be for the peace and happiness of the kingdom, he had not, should not refuse to consent. And he doubted not but that all his good subjects would easily discern in what a miserable insecurity and confusion they must necessarily and inevitably be, if descents might be altered; purchases avoided; assurances and conveyances cancelled; the sovereign legal authority despised and resisted by votes or orders of either or both houses. And this, he said, he was sure, was his case at Hull; and as it was his this day, by the same rule, it might be theirs tomorrow.

- 98 " Against any desperate design of the papists, of which they discoursed so much, he had sufficiently expressed his zeal and intentions ; and should be as forward to adventure his own life and fortune, to oppose any such designs, as the meanest subject in his kingdom.
- 99 " For the malignant party, he said, as the law had not to [his] knowledge defined their condition, so neither house had presented them to his majesty under such a notion as he might well understand whom they intended ; and he should therefore only inquire after and avoid the malignant party, under the character of persons disaffected to the peace and government of the kingdom, and such who, neglecting and despising the law of the land, had given themselves other rules to walk by, and so dispensed with their obedience to authority ; of those persons, as destructive to the commonwealth, he should take all possible caution.
- 100 " Why any letters intercepted from the lord Digby, wherein he mentioned a retreat to a place of safety, should hinder him from visiting his own fort, and how he had opposed any ways of accommodation with his parliament, and what ways and overtures had been offered in any way, or like any desire of such accommodation ; or whether his message of the twentieth of January last, so often in vain pressed by him, had not sufficiently expressed his earnest desire of it, he said, all the world should judge ; neither was it in the power of any persons to incline him to take arms against his parliament and his good subjects, and miserably to embroil the kingdom in civil wars. He had given sufficient evidence to the world how much his affections abhorred, and how much his heart did bleed at, the apprehension of a civil war. And, he said, God and the world must judge, if his care and industry were [not], only to defend and protect the liberty of the subject, the law of the kingdom, his own just rights, (part of that law,) and his honour, much more precious than his life : and if, in opposition to these, any civil war should arise, upon whose account the blood and destruction that must follow must be cast : God, and his own conscience, told him, that he was clear.
- 101 " For captain Leg's being sent heretofore to Hull, or for the earl of Newcastle's being sent thither by his warrant and authority, he said, he had asked a question long ago, in his answer
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to both houses concerning the magazine at Hull, which, he had cause to think, was not easy to be answered; why the general rumour of the design of papists, in the northern parts, should not be thought sufficient ground for his majesty to put in such a person of honour, fortune, and unblemished reputation, as the earl of Newcastle was known to be, into a town and fort of his own, where his own magazine lay; and yet the same rumour be warrant enough to commit the same town and fort, without his consent, to the hands of sir John Hotham, with such a power as was now too well known and understood? How his refusal to have that magazine removed, upon the petition of both houses, could give any advantage against him, to have it taken from him, and whether it was a refusal, all men would easily understand, who read his answer to that petition; to which it had not been yet thought fit to make any reply.

102 “ For the condition of those persons, who presented the petition to him at York (whom that declaration called, *some few ill-affected persons about the city of York*) to continue the magazine at Hull; he said, he made no doubt, but that petition would appear to be attested, both in number and weight, by persons of honour and integrity, and much more conversant with the affections of the whole country, than most of those petitions which had been received with so much consent and approbation. And for their presumption of interposing their advice, his majesty the more wondered at that exception, when such encouragement had been given and thanks declared to multitudes of mean, unknown people, apprentices, and porters, who had accompanied petitions of very strange natures.

103 “ For the manner of his going to Hull, he said, he had clearly set forth the same in his message to both houses of that business; and for any intelligence given to sir John Hotham of an intention to deprive him of his life, as he knew there was no such intention in him, having given him all possible assurance of the same, at his being there, so he was confident no such intelligence was given, or if it were, it was by some villain, who had nothing but malice or design to fright him from his due obedience to warrant him; and sir John Hotham had all the reason to assure himself that his life would be in much more danger by refusing to admit his king into his own town and

fort, than by yielding him that obedience which he owed by his oaths of allegiance and supremacy, and the protestation, and which he knew was due and warrantable by the laws of the land. For the number of his attendants, though that could be no warrant for such a disobedience in a subject, he said, it was well known (as his majesty had expressed in his message to both houses, to which credit ought to have been given) that he offered to go into the town with twenty horse only, his whole train being unarmed; and whosoever thought that too great an attendance for his majesty and his two sons, had sure an intention to bring him to a meaner retinue than they would yet avow.

104 “Here then, he said, was his case, of which all the world should judge: his majesty endeavoured to visit a town and fort of his own, wherein his own magazine lay: a subject, in defiance of him, shuts the gates against him; with armed men resists, denies, and opposes his entrance; tells him, in plain terms, he should not come in. He said, he did not pretend to understand much law, yet, in the point of treason, he had had much learning taught him this parliament; and if the sense of the statute of the 25th year of Edward III. chap. 2. were not very differing from the letter, sir John Hotham's act was no less than plain high treason: and he had been contemptibly stupid, if he had, after all those circumstances of grace and favour then shewed to him, made any scruple to proclaim him traitor. And whether he were so or no, if he would render himself, his majesty would require no other trial than that which the law had appointed to every subject, and which he was confident he had not in the least degree violated in those proceedings; no more than he had done the privilege of parliament, by endeavouring, in a just way, to challenge his own unquestionable privileges. For that, in such case, the declaring him traitor, being a member of the house of commons, without process of law, should be a breach of privilege of parliament, (of which he was sure none extended to treason, felony, or breach of the peace,) against the liberty of the subject, or against the law of the land, he must have other reasons than bare votes. He said, he would know, if sir John Hotham had with those forces by which he kept him out of his town of Hull pursued him to the gates of York, which he might as

legally have done, whether his majesty must have staid from declaring him traitor till process of law might have issued against him? Would fears and jealousies dispense with necessary and real forms? And must his majesty, when actual war is levied upon him, observe forms which the law itself doth not enjoin? The [case], he said, was truly stated, let all the world judge (unless the mere sitting of a parliament did suspend all laws, and his majesty was the only person in England against whom treason could not be committed) where the fault was; and whatsoever course he should be driven to for the vindication of that his privilege, and for the recovery and maintenance of his known undoubted rights, he doth promise, in the presence of Almighty God, and as he hopes for his blessing in his success, that he would to the utmost of his powers defend and maintain the true protestant profession, the law of the land, the liberty of the subject, and the just privilege and freedom of parliament.

105 "For the order of assistance given to the committee of both houses, concerning their going to Hull, he said, he should say no more, but that those persons, named in that order, he presumed, would give no commands, or his good subjects obey other, than what were warranted by the law, (how large the directions are, or the instructions might be,) for to that rule he should apply his own actions, and by it require an account from other men; and that all his good subjects might the better know their duty in matters of this nature, he wished them carefully to peruse the statute of the eleventh year of king Henry VII. ch. 1. He said, he would conclude with Mr. Pym's own words: 'If the prerogative of the king overwhelm the liberty of the people, it will be turned to tyranny; if liberty undermine the prerogative, it would grow into anarchy.'"

106 Besides their declaration, votes, and orders in the justification of sir John Hotham, for his better encouragement, and for a ground of his son's residence at Hull, in whom they had in truth a firmer confidence than in the father, they ordered, "That if, by any force or accident, sir John Hotham should lose his life, or otherwise die in that service, that his son should succeed him in the government;" and having thus declared themselves, they thought fit at last to send some particular

answer to the king upon that business; which they were the rather inclined to do, that under that pretence they might send down a committee of their own to reside at York: whereby they might receive constant animadversions of what happened and what was designed, and their friends and dependents in that large, populous, and rich county, be the better confirmed in their affections and devotions to them; and to that purpose they sent down the lord Howard of Escrick, the lord Fairfax, sir Hugh Cholmely, (a fast friend to sir J. Hotham,) sir Philip Stapleton, (who had likewise married Hotham's daughter,) and sir Harry Cholmely, who presented their answer in writing to his majesty; the which, being of a mould unusual, and a dialect higher and rougher than even themselves had yet used, I have thought fit to insert in the same words it was delivered; thus:

¹⁰⁷ *The most humble answer of the lords and commons in parliament to two messages from your sacred majesty concerning sir John Hotham's refusal to give your majesty entrance into the town of Hull.*

"Your majesty may be pleased to understand, that we, your great council, finding manifold evidences of the wicked counsels and practices of some in near trust and authority about you, to put the kingdom into a combustion, by drawing your majesty into places of strength, remote from your parliament, and by exciting your people to commotions, under pretence of serving your majesty against your parliament, lest this malignant party, by the advantage of the town and magazine of Hull, should be enabled to go through with their mischievous intentions, did, in discharge of the great trust that lies upon us, and by that power which in cases of this nature resides in us, command the town of Hull to be secured by a garrison of the adjoining trained band, under the government of sir John Hotham; requiring him to keep the same for the service of your majesty and the kingdom: wherein we have done nothing contrary to your royal sovereignty in that town, or legal propriety in the magazine.

108 “ Upon consideration of sir John Hotham's proceeding at your majesty's being there, we have upon very good grounds adjudged, that he could not discharge the trust upon which, nor make good the end for which he was placed in the guard of that town and magazine, if he had let in your majesty with such counsellors and company as [were] then about you.

9 “ Wherefore, upon full resolution of both houses, we have declared sir John Hotham to be clear from that odious crime of treason; and have avowed, that he hath therein done nothing but in obedience to the commands of both houses of parliament; assuring ourselves, that, upon mature deliberation, your majesty will not interpret his obedience to such authority to be an affront to your majesty, or to be of that nature as to require any justice to be done upon him, or satisfaction to be made to your majesty: but that you will see just cause of joining with your parliament in preserving and securing the peace of the kingdom; suppressing this wicked and malignant party; who, by false colours, and pretensions of maintaining your majesty's prerogative against the parliament, (wherein they fully agree with the rebels of Ireland,) have been the causes of all our distempers and dangers.

10 “ For prevention whereof we know no better remedy than settling the militia of the kingdom according to the bill which we have sent your majesty, without any intention of deserting or declining the validity or observance of that ordinance which passed both houses upon your majesty's former refusal: but we still hold that ordinance to be effectual by the laws of this kingdom. And we shall be exceeding glad, if your majesty, by approving these our just, dutiful, and necessary proceedings, shall be pleased to entertain such counsel, as we assure ourselves, by God's blessing, will prove very advantageous for the honour and greatness of your majesty, the safety and peace of your people; amongst which we know none more likely to produce such good effects, than a declaration from your majesty of your purpose to lay aside all thoughts of going into Ireland, and to make a speedy return into these parts, to be near your parliament. Which as it is our most humble desire and earnest petition, so shall it be seconded with our most dutiful care for the safety of your royal person, and constant prayers, that it may prove honourable and successful, in the happiness of your majesty and all your kingdoms.”

111 To this answer, with all formality delivered to his majesty by the committee, the king returned a quick reply;

“ That he had been in good hope, that the reason why they had so long deferred their answer to his messages concerning Hull had been, that they might the better have given him satisfaction therein, which now added the more astonishment, finding their answer, after so long advisement, to be of that nature, which could not but rather increase than diminish the present distractions, if constantly adhered to by the parliament. He asked them, whether it was not too much that his town of Hull had a garrison put into it, to the great charge of the county and inconvenience to the poor inhabitants, without his consent and approbation, under colour at that time of foreign invasion, and apprehensions of the popish party; but that now the reasons thereof should be enlarged with a scandal to his majesty and his faithful servants, only to bring in the more specious pretext for the avowing sir John Hotham's insolence and treason?

112 “ He said, he had often heard of the great trust, that, by the law of God and man, was committed to the king for the defence and safety of his people; but as yet he never understood what trust or power was committed to either or both houses of parliament without the king; they being summoned to counsel and advise the king. But by what law or authority they possess themselves of his majesty's proper right and inheritance, he was confident, that as they had not, so they could not shew. He told them, that he had not hitherto given the least interruption to public justice; but they, rather than suffer one of their members to come so much as to a legal trial for the highest crime, would make use of an order of parliament to countenance treason, by declaring him free from that guilt, which all former ages never accounted other; and that without so much as inquiring the opinion of the judges; for he was confident they would have mentioned their opinion if they had asked it.

“ Therefore he expected, that upon further and better consideration of the great and necessary consequence of the business of Hull, and seriously weighing how much it did concern the peace and quiet of the kingdom, they would, without further

instance from his majesty, give him full and speedy justice against sir John Hotham. And, he said, he would leave all his good people to think what hope of justice there was left for them, when they refused or delayed to give their own sovereign satisfaction. And, as he had already said, till that should be done, he would intend no business whatsoever, other than that of Ireland.

14 “ And he said, he likewise expected that they would not put the militia in execution, until they could shew him by what law they had authority to do the same, without his consent ; or if they did, he was confident, that he should find much more obedience according to law, than they would do against law. And he should esteem all those who should obey them therein to be disturbers of the peace of the kingdom, and would in due season call them to a legal account for the same.

15 “ Concerning his return, he told them, he never heard that the slandering of a king’s government and his faithful servants, the refusing of him justice, and in a case of treason, and the seeking to take away his undoubted and legal authority, under the pretence of putting the kingdom into a posture of defence, were arguments to induce a king to come near, or hearken to his parliament.”

16 The king despatched this answer the sooner, that the country might be freed from the impression the presence and activity of the committee made in them : but when he delivered it to them, and required them to make all convenient haste with it to the houses, they told him, “ they would send it by an express, but that themselves were required and appointed to reside still at York.” The king told them, “ that he liked not to have such supervisors near him, and wished them to be very careful in their carriage ; that the country was visibly then very well affected ; and if he found any declension, he well knew to whom to impute it ; and should be compelled to proceed in another manner against them, than, with reference to their persons,” (for they were all then reputed moderate men, and had not been thought disaffected to the government of the church or state,) “ he

should be willing to do." They answered with a sullen confidence, "that they should demean themselves according to their instructions; and would perform the trust reposed in them by the two houses of parliament." Yet such was the ticklishness of the king's condition, that, though it was most evident that their coming and staying there was to pervert and corrupt the loyalty and affections of those parts, and to infuse into them inclinations contrary to their allegiance, it was not thought counsellable at that time, either to commit them to prison, or to expel them from that city, or to inhibit them the freedom of his own court and presence; and so they continued for the space of above a month in York, even in defiance of the king.

117 The militia was the argument which they found made deepest impression in the people, being totally ignorant what it was, or what the consequence of it might be; and so believing whatsoever they told them concerning it. And therefore they resolved to drive that nail home; and though, for want of their imminent danger, and during the time of the king's treaty and overture of a bill, they had forborne the execution of their ordinance; yet the frequent musters of volunteers without order, almost in all counties, by the bare authority of their votes, gave them sufficient evidence how open the people were to their commands; at least, how unprepared authority was to resist and oppose them: and therefore, after the king had displaced their favourites, and refused to pass the bill for the militia, and sir John Hotham had refused to let the king come into the town of Hull, and they had justified him for so doing, they prepared a declaration concerning the whole state of the militia, as the resolution of the lords and commons upon that matter; in which they said,

118 "That holding it necessary for the peace and safety of the kingdom to settle the militia thereof, they had for that purpose

prepared an ordinance of parliament, and with all humility had presented the same to his majesty for his royal assent. Who, notwithstanding the faithful advice of his parliament, and the several reasons offered by them, of the necessity thereof for the securing of his majesty's person, and the peace and safety of his people, did refuse to give his consent; and thereupon they were necessitated, in discharge of the trust reposed in them, as the representative body of the kingdom, to make an ordinance, by the authority of both houses, to settle the militia, warranted thereunto by the fundamental laws of the land: that his majesty, taking notice thereof, did, by several messages, invite them to settle the same by act of parliament; affirming in his message sent in answer to the petition of both houses, presented to his majesty at York, March 26, that he always thought it necessary the same should be settled, and that he never denied the thing, only denied the way; and for the matter of it, took exceptions only to the preface, as a thing not standing with his honour to consent to; and that himself was excluded in the execution, and for a time unlimited: whereupon the lords and commons, being desirous to give his majesty all satisfaction that might be, even to the least tittle of form and circumstances, and when his majesty had pleased to offer them a bill ready drawn, had, for no other cause, than to manifest their hearty affection to comply with his majesty's desires, and obtain his consent, entertained the same, and in the mean time no way declining their ordinance; and, to express their earnest zeal to correspond with his majesty's desire, (in all things that might consist with the peace and safety of the kingdom, and the trust reposed in them,) did pass that bill, and therein omitted the preamble inserted before the ordinance; limited the time to less than two years; and confined the authority of the lieutenants to these three particulars; namely, rebellion, insurrection, and foreign invasion; and returned the same to his majesty for his royal assent: but all these expressions of affection and loyalty, all those desires and earnest endeavours to comply with his majesty, had, to their great grief and sorrow, produced no better effects than an absolute denial, even of that which his majesty, by his former messages, as they conceived, had promised: the advice of evil and wicked councils receiving still more credit with him than

that of his great council of parliament, in a matter of so high importance, that the safety of his kingdom, and peace of his people, depended upon it.

119 “ But now, what must be the exception[s] to that bill? Not any sure that [were] to the ordinance; for a care had been taken to give satisfaction in all those particulars. Then the exception was, because that the disposing and execution thereof was referred to both houses of parliament, and his majesty excluded; and now that, by the bill, the power and execution was ascertained, and reduced to particulars, and the law of the realm made the rule thereof, his majesty would not trust the persons. The power was too great, too unlimited, to trust them with. But what was that power? Was it any other, but, in express terms, to suppress rebellion, insurrection, and foreign invasion? And who were those persons? Were not they such as were nominated by the great council of the kingdom, and assented to by his majesty? And was it too great a power, to trust those persons with the suppression of rebellion, insurrection, and foreign invasion? Surely, they said, the most wicked of them who advised his majesty to that answer could not suggest, but that it was necessary for the safety of his majesty’s royal person, and the peace of the kingdom, such a power should be put in some hands; and there was no pretence for exception to the persons. They said, his majesty had, for the space of above fifteen years together, not thought a power, far exceeding that, to be too great to intrust particular persons with, to whose will the lives and liberties of his people, by martial laws, were made subject; for such was the power given to lord lieutenants and deputy lieutenants in every county of this kingdom, and that without the consent of the people or authority of law. But now in case of extreme necessity, upon the advice of both houses of parliament, for no longer space than two years, a lesser power, and that for the safety of king and people, was thought too great to trust particular persons with, though named by both houses of parliament, and approved of by his majesty himself: and surely, if there were a necessity to settle the militia, (which his majesty was pleased to confess,) the persons could not be intrusted with less power than that, to have it effectual. And the precedents of former ages, when there happened a necessity to raise such a power, never straitened that power to a narrower

2. *which is answered by a declaration from his majesty.* (1642.) 77

compass ; witness the commissions of array in several kings' reigns, and often issued out by the consent and authority of parliament.

20 " The lords and commons therefore, intrusted with the safety of the kingdom and peace of the people, (which, they called God to witness, was their only aim,) finding themselves denied those their so necessary and just demands, and that they could never be discharged before God or man, if they should suffer the safety of the kingdom and peace of the people to be exposed to the malice of the malignant party at home, or the fury of enemies from abroad ; and knowing no other way to encounter the imminent and approaching danger but by putting the people into a fit posture of defence, did resolve to put their said ordinance in present execution ; and did require all persons in authority, by virtue of the said ordinance, forthwith to put the same in execution, and all others to obey it, according to the fundamental laws of the kingdom in such cases, as they tendered the upholding of the true protestant religion, the safety of his majesty's person and his royal posterity, the peace of the kingdom, and the being of this commonwealth."

This declaration (being in answer to a message from his majesty) was printed, and with the usual care and dexterity dispersed throughout the kingdom, without so much as sending it to the king ; and thereupon warrants and directions issued into all parts for the exercising the militia.

121 This being the first declaration they had in plain terms published against the king, without ever communicating it, or presenting it to him, as they had done all the rest, his majesty was the more troubled how to take notice of it ; but conceiving it necessary to apply some antidote to this poison, the violent operation whereof he had reason to apprehend, he published a declaration by way of answer to that declaration, in which he said,

122 " That he very well understood how much it was below the high and royal dignity (wherein God had placed him) to take notice [of], much more to trouble himself with answering, those

many scandalous, seditious pamphlets, and printed papers, which were scattered with such great license throughout the kingdom, (notwithstanding his majesty's earnest desire, so often in vain pressed, for a reformation,) though he found it evident, that the minds of many of his weak subjects had been, and still were, poisoned by those means; and that so general a terror had possessed the minds and hearts of all men, that whilst the presses swarmed [with], and every day produced, new tracts against the established government of the church and state, most men wanted the courage or the conscience to write, or the opportunity and encouragement to publish, such composed, sober animadversions, as might either preserve the minds of his good subjects from such infection, or restore and recover them when they were so infected: but, his majesty said, he was contented to let himself fall to any office that might undeceive his people, and to take more pains that way by his own pen, than ever king had done, when he found any thing that seemed to carry the reputation and authority of either or both houses of parliament, and would not have the same refuted or disputed by vulgar and common pens, till he should be thoroughly informed whether those acts had in truth that countenance and warrant they pretend: which regard of his, his majesty doubted not but, in time, would recover that due reverence (the absence whereof he had too much reason to complain [of]) to his person and his messages, which in all ages had been paid, and, no doubt, was due to the crown of England.

- 123 “ He said, he had therefore taken notice of a printed paper, entitled, *A Declaration of both Houses*, in answer to his last message concerning the militia, published by command; the which he was unwilling to believe (both for the matter of it, the expressions in it, and the manner of publishing it) could result from the consent of both houses; neither did his majesty know by what lawful command such uncomely, irreverent mention of him could be published to the world: and though declarations of that kind had of late with too much boldness broken in upon his majesty and the whole kingdom, when one or both houses had thought fit to communicate their counsels and resolutions to the people; yet, he said, he was unwilling to believe, that such a declaration as that could be published in answer to his message, without vouchsafing at least to send it to his

majesty as their answer : their business, for which they were met by his writ and authority, being to counsel him for the good of his people, not to write against him to his people ; nor had any consent of his majesty for their long continuing together enabled them to do any thing but what they were first summoned by his writ to do. At least he would believe, though misunderstanding and jealousy (the justice of God, he said, would overtake the fomenters of that jealousy, and the promoters and contrivers of that misunderstanding) might produce, to say no worse, those very untoward expressions, that if those houses had contrived that declaration as an answer to his message, they would have vouchsafed some answer to the questions proposed in his, which, he professed, did, and must evidently prevail over his understanding ; and, in their wisdom and gravity, they would have been sure to have stated the matters of fact, as (at least to ordinary understandings) might be unquestionable ; neither of which was done by that declaration.

¹²⁴ “ His majesty had desired to know, why he was by that act absolutely excluded from any power or authority in the execution of the militia : and, he said, he must appeal to all the world, whether such an attempt were not a greater and juster ground for fear and jealousy in him, than any one that was avowed for those destructive fears and jealousies which were so publicly owned, almost to the ruin of the kingdom. But his majesty had been told, that he must not be jealous of his great council of both houses of parliament. He said, he was not, no more than they were of his majesty, their king ; and hitherto they had not avowed any jealousy of or disaffection to his person ; but imputed all to his evil counsellors, to a malignant party, that was not of their minds ; so his majesty did (and, he said, he did it from his soul) profess no jealousy of his parliament, but of some turbulent, seditious, and ambitious natures ; which, being not so clearly discerned, might have an influence even upon the actions of both houses : and if that declaration had passed by that consent, (which he was not willing to believe,) he said, it was not impossible but that the apprehension of such tumults, which had driven his majesty from his city of London for the safety of his person, might make such an impression upon other men, not able to remove from the danger,

to make them consent, or not to own a dissent, in matters not agreeable to their conscience or understanding.

125 "He said, he had mentioned, in that his answer, his dislike of putting their names out of the bill whom before they recommended to his majesty in their pretended ordinance, and the leaving out, by special provision, the present lord mayor of London: to all which the declaration afforded no answer; and therefore he could not suppose it was intended for an answer to that his message, which whosoever looked upon would find to be in no degree answered by that declaration; but it informed all his majesty's subjects, after the mention with what humility the ordinance was prepared, and presented to his majesty, (a matter very evident in the petitions and messages concerning it,) and his refusal to give his consent, notwithstanding the several reasons offered, of the necessity thereof for the securing of his person, and the peace and safety of his people, (whether any such reasons were given, the weight of them, and whether they were not clearly and candidly answered by his majesty, the world would easily judge,) that they were at last necessitated to make an ordinance by authority of both houses, to settle the militia, warranted thereunto by the fundamental laws of the land. But, his majesty said, if that declaration had indeed intended to have answered him, it would have told his good subjects what those fundamental laws of the land were, and where to be found; and would at least have mentioned one ordinance, from the first beginning of parliaments to this present parliament, which endeavoured to impose any thing upon the subject without the king's consent; for of such, he said, all the inquiry he could make could never produce him one instance. And if there were such a secret of the law, which had lain hid from the beginning of the world to that time, and now was discovered to take away the just legal power of the king, he wished there were not some other secret (to be discovered when they pleased) for the ruin and destruction of the liberty of the subject. For, he said, there was no doubt if the votes of both houses had any such authority to make a new law, it had the same authority to repeal the old; and then, what would become of the long established rights of the king and subject, and particularly of Magna Charta, would be easily discerned by the most ordinary understanding.

126 "He said, it was true, that he had (out of tenderness of the

constitution of the kingdom, and care of the law, which he was bound to defend, and being most assured of the unjustifiableness of the pretended ordinance) invited, and desired both houses of parliament to settle whatsoever should be fit of that nature by act of parliament. But was he therefore obliged to pass whatsoever should be brought to him of that kind? He did say in his answer to the petition of both houses, presented to him at York the 26th of March last, (and he had said the same in other messages before,) that he always thought it necessary [that] the business of the militia should be settled, and that he never denied the thing, only denied the way; and he said the same still; and that since the many disputes and votes, upon lords lieutenants and their commissions, (which had not been begun by his majesty nor his father,) had so discountenanced that authority, which for many years together was looked upon with reverence and obedience by the people, his majesty did think it very necessary, that some wholesome law should be provided for that business; but he had declared in his answer to the pretended ordinance, that he expected, that that necessary power should be first invested in his majesty before he consented to transfer it to other men; neither could it ever be imagined that he would consent that a greater power should be in the hands of a subject, than he was thought worthy to be trusted with himself. And if it should not be thought fit to make a new act or declaration in the point of the militia, he doubted not but he should be able to grant such commissions as should very legally enable those he trusted to do all offices for the peace and quiet of the kingdom, if any disturbance should happen.

- 127 “But it was said, he had been pleased to offer them a bill ready drawn, and that they, to express their earnest zeal to correspond with his desire, did pass that bill; and yet all that expression of affection and loyalty, all that earnest desire of theirs to comply with his majesty, produced no better effect than an absolute denial, even of what by his former messages his majesty had promised; and so he said, that declaration proceeded, under the pretence of mentioning evil and wicked councils, to censure and reproach his majesty in a dialect that he was confident his good subjects would read on his behalf with much indignation. But, his majesty said, sure if that declara-

tion had passed the examination of both houses of parliament, they would never have affirmed that the bill he had refused to pass was the same he had sent to them, or have thought that his message, wherein the difference and contrariety between the two bills was so particularly set down, would be answered with the bare averring them to be one and the same bill: nor would they have declared, when his exceptions to the ordinance and the bill were so notoriously known to all, that care being taken to give satisfaction in all the particulars he had excepted against in the ordinance, he had found new exceptions to the bill; and yet that very declaration confessed, that his exception to the ordinance was, that, in the disposing and execution thereof, his majesty was excluded: and was not that an express reason, in his answer, for his refusal of the bill; which that declaration would needs confute?

128 “But the power was no other than to suppress rebellion, insurrection, and foreign invasion; and the persons trusted no other than such as were nominated by the great council of the kingdom, and assented to by his majesty: and they asked, if that were too great a power to trust those persons with? Indeed, his majesty said, whilst so great liberty was used in voting, and declaring men to be enemies to the *commonwealth*, (a phrase his majesty scarce understood,) and in censuring men for their service, and attendance upon his majesty's person, and in his lawful commands, great heed must be taken into what hands he committed such a power to suppress insurrection and rebellion; and if insurrection and rebellion had found other definitions than what the law had given, his majesty must be sure that no lawful power should justify those definitions: and if there were learning found out to make sir John Hotham's taking arms against him, and keeping his majesty's town and fort from him, to be no treason or rebellion, he knew not whether a new discovery might not find it rebellion in his majesty to defend himself from such arms, and to endeavour to recover what was so taken from him; and therefore, he said, it concerned him, till the known laws of the land were allowed to be judge between them, to take heed into what hands he committed such power.

129 “Besides, he asked, whether it could be thought, that because he was willing to trust certain persons, that he was obliged to trust them in whatsoever they were willing to be trusted? He

said, no private hands were fit for such a trust ; neither had he departed from any thing in the least degree he had offered or promised before ; though he might with as much reason have withdrawn his trust from some persons whom before he had accepted, as they had done from others whom they had recommended. For the power which he was charged to have committed to particular persons, for the space of fifteen years, by his commissions of lieutenancy, it was notoriously known, that it was not a power created by his majesty, but continued very many years, and in the most happy times this kingdom had enjoyed, even those of his renowned predecessors queen Elizabeth and his father of happy memory ; and whatever authority had been granted by those commissions, which had been kept in the old forms, the same was determinable at his majesty's pleasure ; and he knew not, that they produced any of those calamities, which might give his good subjects cause to be so weary of them, as to run the hazard of so much mischief, as that bill which he had refused might possibly have produced.

¶ 30 “ For the precedents of former ages in the commissions of array, his majesty doubted not, but when any such had issued out, that the king's consent was always obtained, and the commissions determinable at his pleasure ; and then what the extent of power was, would be nothing applicable to that case of the ordinance.

¶ 31 “ But whether that declaration had refuted his majesty's reasons for his refusal to pass the bill, or no, it resolved, and required all persons in authority thereby to put the ordinance in present execution ; and all others to obey it according to the fundamental laws of the land. But, his majesty said, he, whom God had trusted to maintain and defend those fundamental laws, which, he hoped, God would bless to secure him, did declare, that there was no legal power in either or both houses, upon any pretence whatsoever, without his majesty's consent, to command any part of the militia of the kingdom ; nor had the like ever been commanded by either or both houses since the first foundation of the laws of the land ; and that the execution of, or the obedience to, that pretended ordinance, was against the fundamental laws of the land, against the liberty of the subject and the right of parliaments, and a high crime in any that should execute the same : and his majesty

did therefore charge and command all his loving subjects, of what degree or quality soever, upon their allegiance, and as they tendered the peace of the kingdom, from thenceforth not to muster, levy, or array, or summon, or warn any of the trained bands to rise, muster, or march, by virtue or under colour of that pretended ordinance: and to that declaration and command of his majesty's, he said, he expected and required a full submission and obedience from all his loving subjects, upon their allegiance, as they would answer the contrary at their perils, and as they tendered the upholding of the true protestant religion, the safety of his person and his royal posterity, the peace and being of the kingdom."

- ¹³² Notwithstanding these sharp declarations, (infallible symptoms of sharper actions,) which were with equal diligence dispersed by either side amongst the people, save that the agents for the parliament took as much care to suppress the king's as to publish their own, whereas the king's desire was that they might be both impartially read and examined, and to that purpose always caused those from the parliament to be printed with his own, they had the power and skill to persuade men, who, but by that persuasion, could not have been seduced, and without seducing of whom they could have made a very sorry progress in mischief, "that all would be well; that they were well assured that the king would, in the end, yield to what they desired; at least, that they should prevail for a good part, if not for all, and that there should be no war:" though themselves well knew, that the fire was too much kindled to be extinguished without a flame, and made preparations accordingly. For the raising and procuring of money (besides the vast sums collected and contributed for Ireland, which they disbursed very leisurely, the supplies for that kingdom, notwithstanding the importunity and complaint from thence, being not despatched thither, both in quantity and quality, with that expedition as was pretended) they sent

out very strict warrants for the gathering all those sums of money which had been granted by any bills of subsidy or poll-bill; in the collection of all which there had been great negligence, probably that they might have it the more at their own disposal in their need; by which they now recovered great sums into their hands. For the raising of men, (though it was not yet time for them to avow the raising an army,) besides the disposing the whole kingdom to subject themselves to their ordinance of the militia, and, by that, listing in all places companies of volunteers, who would be ready when they [were] called, they made more haste than they had done in the levies of men, both horse and foot, for the relief of Ireland, under officers chosen or approved by themselves; and proposed the raising an army apart, of six or eight thousand, under the command of the lord Wharton, (a man very fast to them,) for Munster, under the style of *the adventurers' army*, and to have no dependence upon, or be subject to, the lord lieutenant of Ireland, but only to receive orders from the two houses, and from a committee to be appointed by them, which should be always with that army: but the king, easily discerning the consequence of that design, refused to grant such a commission as they desired; so that they were forced to be content, only with the advantage of new exclamations against the king, "for hindering the supplies for Ireland," upon the occasion of his denial of that unreasonable commission, and to proceed in their levies the ordinary way; which they did with great expedition. To confirm and encourage the factious and schismatical party of the kingdom, which thought the pace towards the reformation was not brisk and furious enough, and was with great difficulty contained in so slow a march, they had, a little before, published a declaration,

133 " That they intended a due and necessary reformation of the

government and liturgy of the church, and to take away nothing in the one or the other, but what should be evil, and justly offensive, or at least unnecessary and burdensome: and, for the better effecting thereof, speedily to have consultation with godly and learned divines: and, because that would never of itself attain the end sought therein, they would therefore use their utmost endeavours to establish learned and preaching ministers, with a good and sufficient maintenance throughout the whole kingdom; wherein many dark corners were miserably destitute of the means of salvation, and many poor ministers wanted necessary provision."

- ¹³⁴ This declaration, printed, and appointed to be published by the sheriffs in their several counties, in all the market-towns within the kingdom of England and dominion of Wales, was not more intended to the heartening of those who were impatient for a reformation, (who in truth had so implicit a faith in their leaders, that they expected another manner of reformation than was publicly promised,) than to the lulling those asleep, who began to be awake with the apprehension of that confusion they apprehended from the practice and license they saw practised against the received government and doctrine of the church; and to be persuaded, that it was time to oppose that current. And in this project they were not disappointed: for though this warily worded declaration was evidence enough to wise men what they intended, and logically comprehended an alteration as great as hath been since attempted and made; yet to lazy and quiet men, who could not discern consequences, and were not willing to antedate their miseries, by suspecting worse was to come than they felt or saw in their view, their fears were much abated, and the intentions of the parliament seemed not so bad as they had been told by some that they were: and as this very declaration of a due reformation to be made of the government of the church and the liturgy, would, a year before, have given great umbrage and scandal to

the people, when, generally, there was a due submission to the government, and a singular reverence of the liturgy of the church of England; so now, when there was a general fear and apprehension inculcated into them, of a purpose utterly to subvert the government, and utterly to abolish the liturgy, they thought the taking away nothing in the one or the other but what should be evil and justly offensive, or at least unnecessary and burdensome, was an easy composition; and so, by degrees, they suffered themselves to be still prevailed on towards ends they extremely abhorred; and what at first seemed profane and impious unto them, in a little time appeared only inconvenient; and what in the beginning they thought matter of conscience and religion, shortly after they looked upon as somewhat rather to be wished than positively insisted on; and consequently not to be laid in the balance with the public peace, which they would imagine to be endangered by opposing the sense that then prevailed; and so, by undervaluing many particulars, (which they truly esteemed,) as rather to be consented to, than that the general should suffer, they brought, or suffered the public to be brought to all the sufferings it hath since underwent.

135 And now they shewed what consultation they meant to have with godly and learned divines, and what reformation they intended, by appointing the knights and burgesses to bring in the names of such divines for the several counties as they thought fit to constitute an assembly for the framing a new model for the government of the church, which was done accordingly; those who were true sons of the church not so much as endeavouring the nomination of sober and learned men, abhorring such a reformation, as begun with the invasion and suppression of the church's rights in calling a synod, as well known as Magna Charta: and if any well affected member, not enough considering the scandal and the

consequence of that violation, did name an orthodox and well reputed divine to assist in that assembly, it was argument enough against him that he was nominated by a person in whom they had no confidence; and they only had reputation enough to commend to this consultation who were known to desire the utter demolishing of the whole fabric of the church: so that of about one hundred and twenty, of which that assembly was to consist, (though, by the recommendation of two or three members of the commons, whom they were not willing to displease, and by the authority of the lords, who added a small number to those named by the house of commons, a few very reverend and worthy men were inserted; yet of the whole number,) there were not above twenty who were not declared and avowed enemies to the doctrine or discipline of the church of England; many of them infamous in their lives and conversations; and most of them of very mean parts in learning, if not of scandalous ignorance; and of no other reputation, than of malice to the church of England; so that that convention hath not since produced any thing that might not then reasonably have been expected from it.

¹³⁶ But that which gave greatest power and strength to their growing faction was the severity they used against all those, of what quality or degree soever, who opposed their counsels and proceedings. If any lord, who had any place of honour or trust from the king, concurred not with them, they made an inquisition into the whole passages of his life; and if they could find no fault or no folly (for any levity or indiscretion served for a charge) to reproach him with, it was enough, "that they could not confide in him:" so they threatened the earl of Portland, who with extraordinary vivacity crossed their consultations, "that they would remove him from his charge and government of the Isle of Wight," (which, at last, they did *de facto*, by committing him to prison,

without so much as assigning a cause,) and to that purpose objected all the acts of good fellowship; all the waste of powder, and all the waste of wine in the drinking of healths; and other acts of jollity, whenever he had been at his government, from the first hour of his entering upon it: so that the least inconvenience a man in their disfavour was to expect, was to have his name and reputation used for two or three hours in the house of commons with what license and virulency they pleased. None were persecuted with more rigour than the clergy; whereof whosoever publicly or privately censured their actions, or suspected their intentions, was either committed to prison, or compelled to a chargeable and long attendance, as inconvenient as imprisonment. And this measure of proceeding was equally, if not with more animosity, applied to those who in former times had been looked upon by that party with most reverence. On the contrary, whoever concurred, voted, and sided with them in their extravagant conclusions, let the infamy of his former life or present practice be what it would, his injustice and oppression never so scandalous and notorious, he was received, countenanced, and protected, with marvellous demonstrations of affection: so that, between those that loved them and those that feared them; those that did not love the church and those that did not love some churchmen; those whom the court had oppressed, and those who had helped the court to oppress others; those who feared their power, and those who feared their justice; their party was grown over the kingdom, but especially in the city, justly formidable.

137 In the mean time, the king omitted no opportunity to provide against the storm he saw was coming; and, though he might not yet own the apprehension of that danger he really found himself in, he neglected not the provision of what he thought most necessary for his defence; he caused all his declarations, messages, and

answers, to be industriously communicated throughout his dominions; of which he found good effects; and, by their reception, discovered that the people universally were not so irrecoverably poisoned as he before had cause to fear: he caused private intimations to be given and insinuations to be made to the gentry, "that their presence would be acceptable to him;" and to those who came to him he used much gracious freedom, and expressed all possible demonstrations that he was glad of their attendance: so that, in a short time, the resort to York was very great; and at least a good face of a court there.

138 Beyond the seas, the queen was as intent to do her part; and to provide that so good company, as she heard was daily gathered together about the king, should not be dissolved for want of weapons to defend one another: and therefore, with as much secrecy as could be used in those cases, and in those places where she had so many spies upon her, she caused, by the sale or pawning of her own and some of the crown jewels, a good quantity of powder and arms to be in a readiness in Holland, against the time that it should be found necessary to transport it to his majesty: so that both sides, whilst they entertained each other with discourses of peace, (which always carried a sharpness with them, that whetted their appetite to war,) provided for that war which they saw would not be prevented.

139 Hitherto the greatest acts of hostility, saving that at Hull, were performed by votes and orders; for there was yet no visible, formal execution of the ordinance for the militia in any one county of England: for the appearance of volunteers in some factious corporations [was] rather countenanced than positively directed and enjoined by the houses; and most places pretended an authority, granted by the king in the charters by which those corporations were erected or constituted: but now they

thought it time to satisfy the king and the people that they were in earnest, (who were hardly persuaded that they had in truth the courage to execute their own ordinance,) and resolved, "that on the tenth of May they would have all the trained bands of London mustered in the fields where that exercise usually was performed;" and accordingly, on that day, their own new officer, sergeant-major-general Skippon, appeared in Finsbury fields, with all the trained bands of London, consisting of above eight thousand soldiers, disposed into six regiments, and under such captains and colonels as they had cause to confide in. At this first triumphant muster, the members of both houses appeared in gross, there being a tent purposely set up for them, and an entertainment at the charge of the city to the value of near a thousand pound[s]; all men presuming that this example of London, with such ceremony and solemnity, would be easily followed throughout the kingdom; and many believing they had made no small progress towards the end they aimed at, by having engaged the very body of the city in a guilt equal to their own: for though they had before sufficient evidence of the inclinations of the mean and common people to them, and reasonable assurance that those in authority would hardly be able to contain them; yet, till this day, they had no instance of the concurrence of the city in an act expressly unlawful. But now they presumed all difficulties were over; and so sent their directions to the counties adjacent, speedily to execute the same ordinance: and appointed all the magazines of the several counties of England and Wales to such custody as their lord lieutenants or their deputy lieutenants should appoint; and that not only the counties should increase those magazines to what proportion soever they thought convenient, but that any private persons, that were well affected, should supply themselves with what arms and

ammunition they pleased. By which means, besides the king's magazines, all which were in their possession, they caused great quantities of all sorts of arms to be provided, and disposed to such places and persons as they thought fittest to be trusted ; especially in those factious corporations which had listed most volunteers for their service.

140 The king now saw the storm coming apace upon him ; that (notwithstanding his proclamations published against the ordinance of the militia, in which he set down the laws and statutes which were infringed thereby, and by which the execution of that ordinance would be no less than high treason) the votes and declaration of both houses, " that those proclamations were illegal, and that those acts of parliament could not control the acts and orders of both houses, (which the subjects were, by the fundamental laws of the kingdom, to obey,)" prevailed so far, that obedience was given to them ; that he was so far from being like to have Hull restored to him, that the garrison there daily increased, and forced the country to submit to such commands they pleased to lay on them ; and that sir John Hotham was more likely to be able to take York, than his majesty to recover Hull ; he thought it therefore high time, by their example, to put himself into a posture of defence ; the danger being much more imminent to his majesty, than to those who had begot that ordinance. Hereupon, at a public meeting of the country, his majesty declared, " that he was resolved, in regard of the public distempers, and the neighbourhood of Hull, to have a guard for his person ; but of such persons, and with such circumstances, as should administer no occasion of jealousy to the most suspicious ; and wished the gentlemen of quality who attended, to consider and advise of the way : " who shortly after (notwithstanding the opposition given by the committee, which still resided there ;

and the factious party of the county, which was inflamed and governed by them) expressed a great alacrity to comply with his majesty's desire, in whatsoever should be proposed to them; and a sense, "that they thought a sufficient guard was very necessary for the security of his majesty's person." Hereupon, the king appointed such gentlemen as were willing to list themselves into a troop of horse, and made the prince of Wales their captain; and made choice of one regiment of the trained bands, consisting of about six hundred, whom he caused every Saturday to be paid at his own charge, when he had little more in his coffers than would defray the weekly expense of his table: and this troop, with this regiment, was the guard of his person; it being first declared by his majesty, "that no person should be suffered, either in the troop or the regiment, who did not before his admission into the service take the oaths of allegiance and supremacy;" that so he might be free from the scandal of entertaining papists for his security.

41 But this caution would not serve; the fears and jealousies were capable of no other remedies than such as were prescribed by those physicians who were practised in the disease. As soon as the intelligence was arrived at London that the king actually had a guard, (though the circumstances were as well known that were used in the raising it,) both houses published these three votes, and dispersed them:

142 1. "That it appeared that the king, seduced by wicked counsel, intended to make war against the parliament; who, in all their consultations and actions, had proposed no other end unto themselves, but the care of his kingdoms, and the performance of all duty and loyalty to his person.

2. "That whensoever the king maketh war upon the parliament, it is a breach of the trust reposed in him by his people; contrary to his oath; and tending to the dissolution of the government.

3. "That whosoever should serve him, or assist him in such wars, are traitors by the fundamental laws of the kingdom; and have been so adjudged by two acts of parliament, 2 Rich. II. and 1 Hen. IV. and ought to suffer as traitors."

¹⁴³ These lusty votes they sent to the king to York, together with a short petition, in which they told him,

¹⁴⁴ "That his loyal subjects, the lords and commons in parliament, did humbly represent unto his majesty, that notwithstanding his frequent professions to his parliament and the kingdom, that his desire and intention was only the preserving the true protestant profession, the laws of the land, the liberty of his people, and the peace of the kingdom; nevertheless, they perceived with great grief, by his speech of the twelfth of May, and the paper printed in his majesty's name, in the form of a proclamation, bearing date the fourteenth of May, and other evidences, that, under colour of raising a guard to secure his person, of which guard (considering the fidelity and care of his parliament) there could be no use, his majesty did command troops, both of horse and foot, to assemble at York; the very beginnings whereof were apprehended by the inhabitants of that county to be an affrightment and disturbance of his liege people, as appeared by their petition presented to him; the continuing and increasing of which forces was to his parliament, and must needs be, a just cause of great jealousy and danger to his whole kingdom.

¹⁴⁵ "Therefore they did humbly beseech his majesty to disband all such forces, as, by his command, were assembled, and relying for his security (as his predecessors had done) upon the laws, and affections of his people, he would be pleased to desist from any further designs of that nature, contenting himself with his usual and ordinary guards; otherwise, they should hold themselves bound in duty towards God, and the trust reposed in them by the people, and the fundamental laws and constitutions of the kingdom, to employ their care and utmost power to secure the parliament, and to preserve the peace and quiet of the kingdom."

¹⁴⁶ To this petition, delivered publicly, and read with an equal confidence, by their lieger committee, his majesty answered,

¹⁴⁷ “ That he could not but extremely wonder, that the causeless jealousies concerning his majesty, raised and fomented by a malignant party in the kingdom, which desired nothing more than to snatch to themselves particular advantages out of a general combustion, (which means of advantage was never ministered to them by his fault or seeking,) should not only be able to seduce a weak party in the kingdom, but seem to find so much countenance even from both houses, as that his raising of a guard, without further design than for the safety of his person, an action so legal, in a manner so peaceable, upon causes so evident and necessary, should not only be looked upon, and petitioned against by them, as a cause of jealousy; but declared to be the raising of a war against them, contrary to his former professions of his care of religion and law: and he no less wondered, that that action of his should be said to be apprehended by the inhabitants of that county as an affrightment and disturbance to his people, having been as well received there as it was every where to be justified; and (he spake of the general, not of a few seduced particulars) assisted and sped by that county with that loyal affection and alacrity, as was a most excellent example, set to the rest of the kingdom, of [their] care of his safety upon all occasions; and should never be forgotten by him, nor, he hoped, by his posterity; but should be ever paid to them, in that, which is the proper expression of a prince’s gratitude, a perpetual, vigilant care to govern them justly, and to preserve the only rule by which they can be so governed, the law of the land: and, he said, he was confident, that if they were themselves eye-witnesses, they would so see the contrary, as to give little present thanks, and, hereafter, little credit to their informers; and, if they had no better information and intelligence of the inclinations and affections of the rest of the kingdom, certainly the minds of his people (which to some ends and purposes they did represent) were but ill represented unto them.

¹⁴⁸ “ He asked them, when they had so many months together not contented themselves to rely for security, as their predecessors had done, upon the affection of the people, but by their own single authority had raised to themselves a guard, (and that sometimes of no ordinary numbers, and in no ordinary way,) and yet all those pikes and protestations, that army on one side, and

that navy on the other, had not persuaded his majesty [to command them] to disband their forces, and to content themselves with their ordinary, that was, no guard; or work in him an opinion, that they appeared to levy war against him, or had any further design; how it was possible that the same persons should be so apt to suspect and condemn his majesty, who had been so unapt, in the same matter, upon much more ground, to tax or suspect them? This, he said, was his case, notwithstanding the care and fidelity of his parliament: his fort was kept by armed men against him; his proper goods first detained from him, and then, contrary to his command, by strong hand offered to be carried away; in which, at once, all his property as a private person, all his authority as a king, was wrested from him: and yet for him to secure himself in a legal way, that sir John Hotham might not by the same forces, or by more, raised by pretence of the same authority, (for he daily raised some, and it was no new thing for him to pretend orders which he could not shew,) continue the war that he had levied against his majesty; and as well imprison his person, as detain his goods; and as well shut him up in York, as shut him out of Hull; was now said to be esteemed a cause of great jealousy to the parliament, a raising war against them, and of danger to the whole kingdom: whilst these injustices and indignities offered to him were countenanced by them, who ought to be most forward in his vindication and their punishment, in observation of their oaths, and trust reposed in them by the people, and to avoid the dissolution of the present government. Upon which case, he said, the whole world was to judge, whether his majesty had not reason, not wholly to rely upon the care and fidelity of his parliament, being so strangely blinded by malignant spirits, as not to perceive his injuries; but to take some care of his own person, and, in order to that, to make use of that authority which the laws declared to be in his majesty: and whether that petition, with such a threatening conclusion, accompanied with more threatening votes, gave him not cause rather to increase than to diminish his guards; especially, since he had seen, before the petition, a printed paper, dated the seventeenth of May, underwritten by the clerk of the house of commons, commanding, in the name of both lords and commons, the sheriffs of all counties to raise the power of all those counties, to suppress such of his subjects as

by any of his majesty's commands should be drawn together, and put (as that paper called it) in a posture of war; charging all his majesty's officers and subjects to assist them in it, at their perils. For though, he said, he could not suspect that that paper, or any bare votes, not grounded upon law or reason, or quotations of repealed statutes, as those were of 2 Rich. II. and 1 Hen. IV., should have any ill influence upon his good people, who knew their duties too well not to know, that to take up arms against those who upon a legal command of his majesty came together to a most legal end, (that was, his majesty's security and preservation,) was to levy war against his majesty; yet, if that paper were really the act of both houses, he could not but look upon it as the highest of scorns and indignities; first, to issue commands of force against him; and, after those had appeared useless, to offer, by petition, to persuade him to that, which that force should have effected.

- 149 “ He said, he concluded his answer to their petition with his counsel to them, that they would join with him in exacting satisfaction for that unparalleled and yet unpunished action of sir John Hotham; and that they would command his fort and goods to be returned to his own hands: that they would lay down all pretences (under pretence of necessity, or declaring what is law) to make laws without his majesty, and, by consequence, but a cipher of his majesty: that they would declare effectually against tumults, and call in such pamphlets, (punishing the authors and publishers of them,) as seditiously endeavour to disable his majesty from protecting his people, by weakening, by false aspersions and new false doctrines, his authority with them, and their confidence in him: the particulars of which tumults and pamphlets, he said, he would long since have taken care his learned council should have been enabled to give in evidence, if, upon his former offer, his majesty had received any return of encouragement from them in it: and, he said, if they did that, they would then, and hardly till then, persuade the world, that they had discharged their duty to God, the trust reposed in them by the people, and the fundamental laws and constitutions of the kingdom; and employed their care and utmost power to secure the parliament, (for, he said, he was still a part of the parliament, and should be, till this well-tempered monarchy was turned to a democracy,) and to preserve the peace and quiet of the kingdom;

which, together with the defence of the protestant religion, the laws of the land, and his own just prerogative, (as a part of, and a defence to, those laws,) had been the main end, which, in his consultations and actions, he had proposed to himself."

150 It will be wondered at hereafter, that in a judging and discerning state, where men had, or seemed to have, their faculties of reason and understanding at the height; in a kingdom then unapt, and generally uninclined to war, (how wantonly soever it hath since seemed to throw away its peace,) those men, who had the skill and cunning, out of froward and peevish humours and indispositions, to compound fears and jealousies, and to animate and inflame those fears and jealousies into the most prodigious and the boldest rebellion that any age or country ever brought forth; who very well saw and felt, that the king had not only to a degree wound himself out of that labyrinth in which four months before they had involved him, with their privileges, fears, and jealousies; but had even so well informed the people, that they began to question both their logic and their law, and to suspect and censure the improvement and gradation of their fears, and the extent and latitude of their privileges; and that they were not only denied by the king what they required, but that the king's reasons of his denial made very many conclude the unreasonableness of their demands: I say, it may seem strange, that these men could entertain the hope and confidence to obtrude such a declaration and vote upon the people, "that the king did intend to make war against the parliament;" when they were so far from apprehending that he would be able to get an army to disturb them, that they were most assured he would not be able to get bread to sustain himself three months, without submitting all his counsels to their conduct and control; and that the offering to impose it did not awaken the people to an indignation which might have confounded them: for, besides their presumption in endeavouring to search what

the scripture itself told them was unsearchable, the heart of the king ; the very law of the land, whose defence they pretended, makes no conclusion of the intention of the meanest subject, in a matter of the highest and tenderest consideration, even treason itself against the life of the king, without some overt, unlawful act, from whence, and other circumstances, the ill intention may be reasonably made appear ; and therefore, to declare that the king intended to make war against his parliament, when he had neither ship, harbour, arms, or money, and knew not how to get either, and when he offered to grant any thing to them which they could pretend a justifiable reason for asking, was an undertaking of that nature, that even the almightiness of a parliament might have despaired to succeed in.

¹⁵¹ But, notwithstanding all this, they very well knew what they did, and understood what infinite advantage that vote would (as it did) bring to them ; and that a natural way would never bring them to their unnatural end. The power and reputation of parliament, they believed, would implicitly prevail over many ; and amaze and terrify others from disputing or censuring what they did, and upon what grounds they did it. The difficulty was to procure the judgment of parliament ; and to incline those different constitutions and different affections to such a concurrence, as the judgment might not be discredited by the number of the dissenters ; nor wounded or prejudged by the reasons and arguments given against it : and then, their judgments of the cure being to be grounded upon the nature and information of the disease, it was necessary to confine and contract their fancies and opinions within some bounds and limits : the mystery of rebellion challenging the same encouragement with other sciences, to grow by ; that there may be certain postulata, some principles and foundations, upon which the main

building may subsist. So, in the case of the militia, an imminent danger must be first supposed, by which the kingdom is in an apparent danger, and then the king's refusal to apply any remedy against that danger, before the two houses would pretend to the power of disposing that militia; it being too ridiculous to have pretended the natural and ordinary jurisdiction over it: but, in case of danger, and danger so imminent, that the usual recourse would not serve the turn, and for the saving of a kingdom which must otherwise be lost, many good men thought it was reasonable to apply a very extraordinary prevention, without imagining such a supposition might possibly engage them in any action contrary to their own inclinations; and, without doubt, very many, who frankly voted that imminent necessity, were induced to it, as an argument, that the king should be therefore importuned to consent to the settlement; which would not have appeared so necessary a request, if the occasion had not been important; never suspecting, that it would have proved an argument to them to adventure the doing it without the king's consent. And it is not here unseasonable, (how merry soever it may seem to be,) as an instance of the incogitancy and inadvertency of those kind of votes and transactions, to remember, that the first resolution of the power of the militia being grounded upon a supposition of an imminent necessity, the ordinance first sent up from the commons to the lords, for the execution of the militia, expressed an *eminent* necessity; whereupon, some lords, who understood the difference of the words, and that an eminent necessity might be supplied by the ordinary provision, which possibly an *imminent* necessity might not safely attend, desired a conference with the commons for the amendment; which, I remember, was at last, with great difficulty, consented to: many (who, I presume, are not yet grown up to conceive the difference)

supposing it an unnecessary contention for a word, and so yielding to them, for saving of time, rather than for the moment of the thing.

152 They who contrived this scene never doubted that, after a resolution what was to be done upon a supposititious necessity, they would easily, when they found it convenient, make that necessity real. It was no hard matter to make the fearful apprehensive of dangers; and the jealous, of designs; and they wanted not evidence of all kinds, letters from abroad, and discoveries at home, to make those apprehensions formidable enough; and then, though before the resolution there was a great latitude in law and reason what was lawfully to be done, they had now forejudged themselves, and resolved of the proper remedy, except they would argue against the evidence; which usually would have been to discountenance or undervalue some person of notable reputation, or his correspondence; and always to have opposed that that was of such an alloy, as, in truth, did operate upon the major part. So, in the case upon which we now discourse, if they had, in the most advantageous article of their fury, professed the raising an army against the king, there was yet that reverence to majesty, and that spirit of subjection and allegiance in most men, that they would have looked upon it with opposition and horror: but defensive arms were more plausible divinity, and if the king should commit such an outrage, as to levy war against his parliament, to destroy the religion, laws, and liberty of the kingdom, good men were persuaded, that such a resistance might be made as might preserve the whole; and he that would have argued against this thesis, besides the impertinency of arguing against a supposition that was not like to be real, and in which the corrupt consideration of safety seemed to bribe most men, could never escape the censure of promoting tyranny and lawless dominion. Then to incline men to concur in the de-

claration "of the king's intention to make war against the parliament," they were persuaded it might have a good, could have no ill effect: the remedies that were to be applied upon an actual levying of war were not justifiable upon the intention; and the declaring this intention, and the dangers it carried with it to the king himself, and to all those who should assist him, would be a probable means of reforming such intention, and preventing the execution: inconvenience it could produce none, (for the disquieting or displeasing the king was not thought inconvenient,) if there were no progress in the supposed intention; if there were, it were fit the whole kingdom should stand upon its guard, and not be surprised to its confusion.

153 By these false and fallacious mediums, the clearness of men's understandings were dazzled; and, upon the matter, all their opinions and judgments for the future captivated and preengaged by their own votes and determinations. For, how easy a matter was it to make it appear to that man, who consented that the king intended to make war against his parliament, that when he should do it, he had broken his oath and dissolved his government, and that whosoever should assist him were traitors; I say, how easy was it to persuade that man that he was obliged to defend the parliament, to endeavour to uphold that government, and to resist those traitors? and, whosoever considers that the nature of men, especially of men in authority, is inclined rather to commit two errors than to retract one, will not marvel that from this root of unadvisedness so many and tall branches of mischief have proceeded. And therefore it were to be wished, that those who have the honour to be trusted in public consultations were endued with so much natural logic to discern the consequences of every public act and conclusion, and with so much conscience and courage to watch the first impressions upon [their] understanding and com-

pliance: and, neither out of the impertinency of the thing, which men are too apt to conclude out of impatience of despatch, or out of stratagem to make men odious, (as in this parliament many forbore to oppose unreasonable resolutions, out of an opinion that they would make the contrivers odious,) or upon any other (though seeming never so politic) considerations, [they] consent to any propositions by which truth or justice are invaded. And I am confident, with very good warrant, that many men have from their souls abhorred every article of this rebellion, and heartily deprecated the miseries and desolation we have suffered by it, who have themselves, with great alacrity and some industry, contributed to, if not contrived, those very votes and conclusions, from whence the evils they abhor have most naturally and regularly flowed, and been deduced; and which they could not reasonably, upon their own concessions, contradict and oppose.

- 154 But to conclude, a man shall not unprofitably spend his contemplation, that upon this occasion considers the method of God's justice, (a method terribly remarkable in many passages, and upon many persons, which we shall be compelled to remember in this discourse,) that the same principles, and the same application of those principles, should be used to the wresting all sovereign power from the crown, which the crown had a little before made use of for the extending its authority and power beyond its bounds, to the prejudice of the just rights of the subject. A supposed necessity was then thought ground enough to create a power, and a bare averment of that necessity to beget a practice, to impose what tax they thought convenient upon the subject by writs of ship-money never before known; and a supposed necessity now, and a bare averment of that necessity, is as confidently and more fatally concluded a good ground to exclude the crown from the use of any power by an

ordinance never before heard of; and the same maxim of *salus populi suprema lex*, which had been used to the infringing the liberties of the one, made use of for the destroying the rights of the other: only that of the psalmist is yet inverted; for many of those who were the principal makers of the first pit are so far from falling into it, that they have been the chiefest diggers of the second ditch, in which so many have been confounded.

¹⁵⁵ Though they had yet no real apprehension that the king would be able in the least degree to raise a force against them, yet they were heartily enraged to find that he lived more like a king than they wished he should; that there was so great resort to him from all parts; and that whereas, little more than two months before, his own servants durst hardly avow the waiting on him, now the chief gentlemen of all counties travelled to him, to tender their service; which implied a disapprobation at least, if not a contempt, of their carriage towards him. Therefore, to prevent this mischief, they easily found exception to, and information against, some persons, who had resorted to York; whom they sent the sergeant of the house of commons to apprehend, and bring them before the house as delinquents, to answer such matters as should be objected against them. In this number there was one Beckwith, a gentleman of Yorkshire, who, as sir John Hotham had sent them word, had endeavoured to corrupt some officers of the garrison to deliver Hull up to the king; this they declared to be a very heinous crime, and little less than high treason; and therefore concluded him a delinquent, and to be sent for to attend them: it was thought strangely ridiculous by standers by, that sir John Hotham should be justified for keeping the town against the king, and another gentleman be voted a delinquent for designing to recover it to its allegiance; and that they who but few days before, when the king had sent a warrant

to require serjeant-major Skippon to attend his majesty at York, resolved, and published their resolutions in print, (as they did all things which they conceived might diminish the reputation of the king, or his authority,) “that such command from his majesty was against the law of the land and the liberty of the subject, and likewise (the person being employed by them to attend their service) against the privilege of parliament; and therefore, that their serjeant-major-general of the forces of London (that was his style) should continue to attend the service of both houses according to their former commands;” should expect that their warrant should be submitted to by those who were waiting on the king, whose known legal authority, severed from any thing that might be understood to relate to the parliament or its privileges, they had so flatly contradicted and contemned, that the same day on which they redeemed their officer Skippon from his allegiance, and duty of going to the king, being informed that the king had sent a writ to adjourn the term (Midsummer term) to York from Westminster, which was as much in his power legally to do as to make a knight, they declared, “that the king’s removing of the term to York from Westminster, sitting the parliament, was illegal;” and ordered, “that the lord keeper should not issue out any writs or seal any proclamation to that purpose;” which was by him observed accordingly, notwithstanding the king’s command for the adjournment.

- ¹⁵⁶ When their officer came to York for the apprehension of the delinquents, he found the same neglect there of the parliament as he found above of the king; and was so ill intreated by those whom he looked upon as his prisoners, that, if the king’s extraordinary provision had not been interposed, the messenger would scarce have returned to have reported how uncurrent such warrants were like to be in York, and how perilous

such voyages might prove to the adventurers: but how amazed or surprised soever they seemed to be with this new contradiction, it was no more than they looked for; for their dilemma was, if their messenger returned with his prize, all the resort to, and all the glory of York was determined; for no man would repair thither, from whence the bare voting him a delinquent would remove him with those other inconvenient circumstances of censure and imprisonment: if he returned neglected and affronted, as they presumed he would, they had a new reproach for the king, “of protecting delinquents against the justice of parliament;” which would be a new breach of their privileges, as heinous and unpopular as had yet been made, and for the vindication whereof their protestation would no less oblige them, than it had done on the behalf of the five members. And such votes they passed upon the return of their officer; and had in readiness prepared two voluminous declarations to the people, which they published about [the same] time; in the one, [filled] with all the reiterated complaints and envenomed repetitions of what had been done, or been thought to have been done amiss in the whole reign of the king, to render his person odious or unacceptable; in the other, by undervaluing his regal power, and declaring against it, to make his authority despised, at least not feared.

The first was of the nineteenth of May, in which they declared,

- 157 “That the infinite mercy and providence of the Almighty God had been abundantly manifested, since the beginning of this parliament, in great variety of protections and blessings; whereby he had not only delivered them from many wicked plots and designs, which, if they had taken effect, would have brought ruin and destruction upon the kingdom; but, out of those attempts, had produced divers evident and remarkable advantages, to the furtherance of those services which they had

been desirous to perform to their sovereign lord the king, and to the church and state, in providing for the public peace, and prosperity of his majesty and all his realms; which, in the presence of the same all-seeing Deity, they protested to have been, and still to be, the only end of all their counsels and endeavours; wherein they had resolved to continue freed and enlarged from all private aims, personal respects, or passions whatsoever.

158 “ In which resolution, they said, they were nothing discouraged, although the heads of the malignant party disappointed of their prey, the religion and liberty of the kingdom, which they were ready to seize upon and devour before the beginning of this parliament, had still persisted, by new practices, both of force and subtilty, to recover the same again; for which purpose they had made several attempts for bringing up the army; they afterwards projected the false accusation of the lord Kimbolton, and the five members of the house of commons, which being in itself of an odious nature, they had yet so far prevailed with his majesty as to procure him to take it upon himself; but when the unchangeable duty and faithfulness of the parliament could not be wrought upon, by such a fact as that, to withdraw any part of their reverence and obedience from his majesty, they had, with much art and industry, advised his majesty to suffer divers unjust scandals and imputations upon the parliament to be published in his name, whereby they might make it odious to the people, and, by their help, to destroy that which hitherto had been the only means of their own preservation.

159 “ For this purpose, they had drawn his majesty into the northern parts far from the parliament; that so false rumours might have time to get credit, and the just defences of the parliament find a more tedious, difficult, and disadvantageous access, after those false imputations and slanders had been first rooted in the apprehension of his majesty and his subjects; which the more speedily to effect, they had caused a press to be transported to York, from whence several papers and writings of that kind were conveyed to all parts of the kingdom, without the authority of the great seal, in an unusual and illegal manner, and without the advice of his majesty’s privy-council; from the greater and better part whereof having withdrawn

himself, as well as from his great counsel of parliament, he was thereby exposed to the wicked and unfaithful counsels of such, as had made the wisdom and justice of the parliament dangerous to themselves; and that danger they laboured to prevent by hiding their own guilt under the name and shadow of the king; infusing into him their own fears, and, as much as in them lay, aspersing his royal person and honour with their own infamy; from both which it had always been as much the care, as it was the duty of the parliament to preserve his majesty, and to fix the guilt of all evil actions and counsels upon those who had been the authors of them.

160 Amongst divers writings of that kind, they said, they, the lords and commons in parliament, had taken into their consideration two printed papers; the first containing a declaration, which they had received from his majesty, in answer to that which had been presented to his majesty from both houses at Newmarket, the ninth of March, 1641; the other, his majesty's answer to the petition of both houses, presented to his majesty the twenty-sixth of March, 1642. Both which were filled with harsh censures and causeless charges upon the parliament; concerning which they held it necessary to give satisfaction to the kingdom; seeing they found it very difficult to satisfy his majesty, whom, to their great grief, they had found to be so engaged to and possessed by those misapprehensions, which evil counsellors have wrought in him, that their most humble and faithful remonstrances had rather irritated and embittered, than any thing allayed or mitigated, the sharp expressions which his majesty had been pleased to make in answer to them; for the manifestation whereof, and of their own innocence, they desired that all his majesty's loving subjects might take notice of these particulars:

161 "They knew no occasion given by them, which might move his majesty to tell them, that in their declaration, presented at Newmarket, there were some expressions different from the usual language to princes: neither did they tell his majesty, either in words or in effect, that if he did not join with them in an act which he conceived might prove prejudicial and dangerous to himself and the whole kingdom, they would make a law without him, and impose it upon the people. That which they desired, they said, was, that, in regard of the imminent

danger of the kingdom, the militia, for the security of his majesty and his people, might be put under the command of such noble and faithful persons as they had all cause to confide in : and such was the necessity of this preservation, that they declared, that, if his majesty should refuse to join with them therein, the two houses of parliament, being the supreme court, and highest council of the kingdom, were enabled by their own authority, to provide for the repulsing of such imminent and evident danger, not by any new law of their own making, as had been untruly suggested to his majesty, but by the most ancient law of the kingdom, even that which is fundamental and essential to the constitution and subsistence of it.

162 “ Although they never desired, they said, to encourage his majesty to such replies as might produce any contestation between him and his parliament, of which they never found better effect than loss of time and hinderance of the public affairs ; yet they had been far from telling him of how little value his words would be with them, much less when they were accompanied with actions of love and justice. They said, he had more reason to find fault with those wicked counsellors, who had so often bereaved him of the honour and his people of the fruit of many gracious speeches which he had made to them, such as those in the end of the last parliament ; that, in the word of a king, and as he was a gentleman, he would redress the grievances of his people, as well out of parliament as in it. They asked, if the searching the studies and chambers, yea, the pockets of some, both of the nobility and commons, the very next day ; the commitment of Mr. Bellasis, sir John Hotham, and Mr. Crew ; the continued oppressions by ship-money, coat and conduct money ; with the manifold imprisonments, and other vexations thereupon, and other ensuing violations of the laws and liberties of the kingdom, (all which were the effects of evil counsel, and abundantly declared in their remonstrance of the state of the kingdom,) [were] actions of love and justice, suitable to such words as those ?

163 “ As gracious was his majesty’s speech in the beginning of this parliament ; that he was resolved to put himself freely and clearly upon the love and affection of his English subjects. They asked whether his causeless complaints and jealousies, the unjust imputations so often cast upon his parliament, his

denial of their necessary defence by the ordinance of the militia, his dangerous absenting himself from his great council, like to produce such a mischievous division in the kingdom, had not been more suitable to other men's evil counsels, than to his own words? Neither, they said, had his later speeches been better used and preserved by those evil and wicked counsellors. Could any words be fuller of love and justice than those in his answer to the message sent to the house of commons the thirty-first of December, 1641: 'We do engage unto you solemnly the word of a king, that the security of all and every one of you from violence is, and ever shall be, as much our care, as the preservation of us and our children?' And could any actions be fuller of injustice and violence, than that of the attorney general, in falsely accusing the six members of parliament, and the other proceedings thereupon, within three or four days after that message? For the full view whereof, they desired the declaration made of those proceedings might be perused; and by those instances (they could add many more) the world might judge who deserved to be taxed with disvaluing his majesty's words, they who had, as much as in them lay, stained and sullied them with such foul counsels; or the parliament, who had ever manifested, with joy and delight, their humble thankfulness for those gracious words, and actions of love and justice, which had been conformable thereunto.

- 164 "The king, they said, had been pleased to disavow the having any such evil counsel or counsellors, as were mentioned in their declaration, to his knowledge; and they held it their duty humbly to avow there were such; or else they must say, that all the ill things done of late in his majesty's name had been done by himself; wherein they should neither follow the direction of the law, nor the affection of their own hearts, which was, as much as might be, to clear his majesty from all imputation of misgovernment, and to lay the fault upon his ministers. The false accusing of six members of parliament; the justifying Mr. Attorney in that false accusation; the violent coming to the house of commons; the denial of the militia; the sharp messages to both houses, contrary to the customs of former kings; the long and remote absence of his majesty from parliament; the heavy and wrongful taxes upon both houses; the cherishing and countenancing a discontented party in the

kingdom against them, were certainly the fruits of very evil counsels, apt to put the kingdom into a combustion, to hinder the supplies of Ireland, and to countenance the proceedings and pretensions of the rebels there: and the authors of these evil counsels, they conceived, must needs be known to his majesty; and they hoped their labouring with his majesty to have those discovered, and brought to a just censure, would not so much wound his honour in the opinion of his good subjects, as his labouring to preserve and conceal them.

165 “ And whereas his majesty had said, he could wish that his own immediate actions, which he avowed, and his own honour, might not be so roughly censured under that common style of evil counsellors; they said, that they could also heartily wish that they had not cause to make that style so common; but how often and undutifully soever those wicked counsellors should fix their dishonour upon the king, by making his majesty the author of those evil actions which were the effects of their own evil counsels, they, his majesty’s loyal and dutiful subjects, could use no other style, according to that maxim of the law, *the king can do no wrong*; but if any ill were committed in matter of state, the council, if in matter of justice, the judges must answer for it.

166 “ They said, they had laid no charge upon his majesty which should put him upon that apology concerning his faithful and zealous affection of the protestant profession: neither did his majesty endeavour to clear those in greatest authority about him, by whom they had said that design had been potently carried on for divers years; and they rather wished that the mercies of Heaven, than the judgments, might be manifested upon them; but that there had been such, there [had been] such plentiful and frequent evidences, that they believed there was none, either protestant or papist, who had had any reasonable view of the passages of later times, but, either in fear or hope, did expect a sudden issue of that design.

167 “ They said, they had no way transgressed against the Act of Oblivion, by remembering the intended war against Scotland, as a branch of that design to alter religion by those wicked counsels, from which God did then deliver them, which they ought never to forget.

168 “ That the rebellion in Ireland was framed and cherished by

the popish and malignant party in England, was not only affirmed by the rebels, but, they said, might be cleared by many other proofs: the same rebellious principles of pretended religion, the same politic ends were apparent in both, and their malicious designs and practices were masked and disguised with the same false colour of their earnest zeal to vindicate his majesty's prerogative from the supposed oppression of the parliament. How much those treacherous pretences had been countenanced by some evil council about his majesty might appear in this, that the proclamation whereby they were declared traitors was so long withheld as to the second of January, though the rebellion brake forth in October before, and then no more than forty copies appointed to be printed; with a special command from his majesty not to exceed that number; and that none of them should be published till his majesty's pleasure was further signified, as by the warrant appears, a true copy whereof was annexed to this declaration; so that a few only could take notice of it; which was made more observable by the late contrary proceedings against the Scots, who were in a very quick and sharp manner proclaimed; and those proclamations forthwith dispersed, with as much diligence as might be, throughout all the kingdom, and ordered to be read in all churches, accompanied with public prayers and execrations. Another evidence of favour and countenance to the rebels in some of power about his majesty, was this, that they had put forth, in his majesty's name, a causeless complaint against the parliament, which speaks the same language of the parliament which the rebels do, thereby to raise a belief in men's minds, that his majesty's affections were alienated, as well as his person was removed, from that his great council. All which, they said, did exceedingly retard the supplies of Ireland, and more advance the proceedings of the rebels, than any jealousy or misapprehension begotten in his subjects by the declaration of the rebels, injunction of Rosetti, or information of Tristram Wheteomb; so that, considering the present state and temper of both kingdoms, his royal presence was far more necessary here than it could be in Ireland, for redemption or protection of his subjects there.

169 “ And whether there were cause [of] his majesty's great indignation, for being reproached to have intended force or threaten-

ing to the parliament, they desired them to consider who should read their declaration, in which there was no word tending to any such reproach; and certainly, they said, they had been more tender of his majesty's honour in that point, than he, whosoever he was, that did write that declaration; where, in his majesty's name, he did call God to witness he never had any such thought, or knew of any such resolution of bringing up the army; which truly, they said, would seem strange to those who should read the deposition of Mr. Goring, information of Mr. Percy, and divers other examinations of Mr. Wilmot, Mr. Pollard, and others; the other examination of Captain Leg, sir Jacob Ashley, [and] sir John Conyers; and consider the condition and nature of the petition which was sent unto sir Jacob Ashley under the approbation of C. R. which his majesty had now acknowledged to be his own hand; and, being full of scandal to the parliament, might have proved dangerous to the whole kingdom, if the army should have interposed betwixt the king and them, as was desired.

170 " They did not affirm that his majesty's warrant was granted for the passage of Mr. Jermyn, after the desire of both houses for restraint of his servants; but only that he did pass over, after that restraint, by virtue of such a warrant. They knew the warrant bore date the day before their desire; yet, they said, it seemed strange to those who knew how great respect and power Mr. Jermyn had in court, that he should begin his journey in such haste, and in apparel so unfit for travel as a black satin suit and white boots, if his going away was designed the day before.

171 " The accusation of the lord Kimbolton, and the five members of the house of commons, was called a breach of privilege; and truly so it was, and a very high one, far above any satisfaction that had been yet given: for, they asked, how it could be said to be largely satisfied, so long as his majesty laboured to preserve Mr. Attorney from punishment, who was the visible actor in it? So long as his majesty had not only justified him, but by his letter declared that it was his duty to accuse them, and that he would have punished him, if he had not done it? So long as those members had not the means of clearing their innocency, and the authors of that malicious charge undiscovered, though both houses of parliament had several times petitioned his majesty to discover them, and that, not only upon grounds of

common justice, but by act of parliament, his majesty was bound to do it? So long as the king refused to pass a bill for their discharge, alleging that the narrative in that bill was against his honour; whereby he seemed still to avow the matter of that false and scandalous accusation, though he deserted the prosecution, offering to pass a bill for their acquittal; yet with intimation that they must desert the avowing their own innocency, which would more wound them in honour than secure them in law? And in vindication of that great privilege of parliament, they did not know that they had invaded any privilege belonging to his majesty, as had been alleged in that declaration.

172 “ But, they said, they looked not upon that only in the notion of a breach of privilege, which might be, though the accusation were true or false; but under the notion of a heinous crime in the attorney, and all other subjects, who had a hand in it; a crime against the law of nature, against the rules of justice; that innocent men should be charged with so great an offence as treason, in the face of the highest judicatory of the kingdom, whereby their lives and estates, their blood and honour, were endangered, without witness, without evidence, without all possibility of reparation in a legal course; yet a crime of such a nature, that his majesty's command can no more warrant, than it can any other act of injustice. These things, which were evil in their own nature, such as a false testimony or false accusation, could not be the subject of any command, or induce any obligation of obedience upon any man, by any authority whatsoever: therefore the attorney, in that case, was bound to have refused to execute such a command, unless he had some [such] evidence or testimony as might have warranted him against the parties, and be liable to make satisfaction, if it should prove false; and it was sufficiently known to every man, and adjudged in parliament, that the king could be neither the relater, informer, or witness. If it should rest as it was, without further satisfaction, no future parliament could be safe, but that the members might be taken and destroyed at pleasure; yea the very principles of government and justice would be in danger to be dissolved.

173 “ They said, they did not conceive that numbers did make an assembly unlawful, but when either the end or manner of their carriage should be unlawful. Divers just occasions might draw the citizens to Westminster, where many public and private

petitions and other causes were depending in parliament; and why that should be found more faulty in the citizens, than the resort every day in the term of great numbers to the ordinary courts of justice, they knew not: that those citizens were notoriously provoked and assaulted at Westminster by colonel Lunsford, captain Hyde, and others, and by some of the servants of the archbishop of York, was sufficiently proved; and that afterwards they were more violently wounded, and most barbarously mangled with swords, by the officers and soldiers near Whitehall, many of them being without weapons, and giving no cause of distaste, was likewise proved by several testimonies; but of any scandalous or seditious misdemeanours of theirs, that might give his majesty good cause to suppose his own person, or those of his royal consort or children, to be in apparent danger, they had no proof ever offered to either house; and if there had been any complaint of that kind, it was no doubt the houses would have been as forward to join in an order for the suppressing of such tumults, as they were, not long before, upon another occasion, when they made an order to that purpose; whereas those officers and soldiers, which committed that violence upon so many of the citizens at Whitehall, were cherished and fostered in his majesty's house; and when, not long after, the common council of London presented a petition to his majesty for reparation of those injuries, his majesty's answer was, without hearing the proof of the complainants, that if any citizen were wounded, or ill entreated, his majesty was confidently assured, that it happened by their own evil and corrupt demeanours.

174 " They said, they hoped it could not be thought contrary to the duty and wisdom of a parliament, if many concurring and frequently reiterated and renewed advertisements from Rome, Venice, Paris, and other parts, if the solicitation of the pope's nuncio and their own discontented fugitives, did make them jealous and watchful for the safety of the state: and they had been very careful to make their expressions thereof so easy and so plain to the capacity and understanding of the people, that nothing might justly stick with them, with reflection upon the person of his majesty: wherein they appealed to the judgment of any indifferent person, who should read and peruse their own words.

175 " They said, they must maintain the ground of their fears to be of that moment, that they could not discharge the trust and

duty that lay upon them, unless they did apply themselves to the use of those means, to which the law had enabled them in cases of that nature, for the necessary defence of the kingdom; and as his majesty did graciously declare, that the law should be the measure of his power, so did they most heartily profess, that they should always make it the rule of their obedience. Then they observed, that there were certain prudent omissions in his majesty's answer; and said, that the next point of their declaration was with much caution artificially passed over by him who drew his majesty's answer; it being indeed the foundation of all their misery and his majesty's trouble that he was pleased to hear general taxes upon his parliament, without any particular charge, to which they might give satisfaction; and that he had often conceived displeasure against particular persons upon misinformation; and although those informations had been clearly proved to be false, yet he would never bring the accusers to question; which did lay an impossibility upon honest men of clearing themselves, and gave an encouragement to false and unworthy persons to trouble him with untrue and groundless informations. Three particulars they had mentioned in their declaration, which the penner of his majesty's declaration had good cause to omit: the words supposed to be spoken at Kensington; the pretended articles against the queen; and the groundless accusation of the six members of the parliament; there being nothing to be said in defence or denial of any of them.

176 “Concerning his majesty's desire to join with his parliament and with his faithful subjects in defence of religion and public good of the kingdom, they said, they doubted not he would do it fully, when evil counsellors should be removed from about him; and until that should be, as they had shewed before of words, so must they also say of laws, that they could not secure them: witness the Petition of Right, which had been followed with such an inundation of illegal taxes, that they had just cause to think that the payment of eight hundred and twenty thousand pounds was an easy burden to the commonwealth in exchange of them; and they could not but justly think, that if there were a continuance of such ill counsellors and favour to them, they would, by some wicked device or other, make the bill for the triennial parliament, and those other excellent laws mentioned in his majesty's declaration, of less value than words. That excellent bill for the

continuance of this parliament, they said, was so necessary, that without it they could not have raised so great sums of money for the service of his majesty and the commonwealth as they had done, and without which the ruin and destruction of the kingdom must needs have followed: and they were resolved the gracious favour of his majesty expressed in that bill, and the advantage and security which thereby they had from being dissolved, should not encourage them to do any thing which otherwise had not been fit to have been done. And they were ready to make it good before all the world, that although his majesty had passed many bills very advantageous for the subject, yet in none of them had they bereaved his majesty of any just, necessary, or profitable prerogative of the crown.

177 " They said, they so earnestly desired his majesty's return to London, that upon it they conceived depended the very safety and being of both his kingdoms: and therefore they must protest, that as for the time past neither the government of London nor any laws of the land had lost their life and force for his security, so for the future they should be ready to do or say any thing that might stand with the duty or honour of a parliament, which might raise a mutual confidence between his majesty and them, as they did wish, and as the affairs of the kingdom did require.

178 " Thus far, they said, the answer to that which was called his majesty's declaration had led them. Now they came to that which was entitled his majesty's answer to the petition of both houses presented to him at York the twenty-sixth of March, 1642. In the beginning whereof, his majesty wished that their privileges on all parts were so stated, that that way of correspondency might be preserved with that freedom which had been used of old. They said, they knew nothing introduced by them that gave any impediment thereunto; neither had they affirmed their privileges to be broken when his majesty denied them any thing, or gave a reason why he could not grant it; or that those who advised such denial were enemies to the peace of the kingdom, and favourers [of] the Irish rebellion; in which aspersion, that was turned to a general [assertion] which in their votes was turned to a particular case; wherefore they must maintain their votes, that those who advised his majesty to contradict that which both houses in the question concerning

the militia had declared to be law, and command it should not be obeyed, is a high breach of privilege, and that those who advised his majesty to absent himself from his parliament were enemies to the peace of the kingdom, and justly to be suspected to be favourers of the rebellion in Ireland. The reasons of both were evident, because in the first there was as great a derogation from the trust and authority of parliament, and in the second, as much advantage to the proceedings and hopes of the rebels, as might be ; and they held it a very causeless imputation upon the parliament, that they had therein any way impeached, much less taken away the freedom of his majesty's vote ; which did not import a liberty in his majesty to deny any thing how necessary soever for the preservation of the kingdom, much less a license to evil counsellors to advise any thing, though never so destructive to his majesty and his people.

179 “ By the message of the twentieth of January his majesty had propounded to both houses of parliament, that they would with all speed fall into a serious consideration of all those particulars which they thought necessary, as well for the upholding and maintaining his majesty's just and regal authority, and for the settling his revenue, as for the present and future establishing their privileges ; the free and quiet enjoying their estates ; the liberties of their persons ; the security of the true religion, professed in the church of England ; and the settling of ceremonies, in such a manner, as might take away all just offence, and to digest it into one entire body.

180 “ To that point of upholding and maintaining his royal authority, they said, nothing had been done to the prejudice of it that should require any new provision : to the other, of settling the revenue, the parliament had no way abridged or disordered his just revenue ; but it was true, that much waste and confusion of his majesty's estate had been made by those evil and unfaithful ministers whom he had employed in the managing of it ; whereby his own ordinary expenses would have been disappointed, and the safety of the kingdom more endangered, if the parliament had not in some measure provided for his household, and for some of the forts, more than they were bound to do ; and they were still willing to settle such a revenue upon his majesty as might make him live royally, plentifully, and safely ; but they could not, in wisdom and fidelity to the commonwealth,

do that, till he should choose such counsellors and officers as might order and dispose it to the public good, and not apply it to the ruin and destruction of his people, as heretofore it had been. But that, and the other matters concerning themselves, being works of great importance, and full of intricacy, would require so long a time of deliberation, that the kingdom might be ruined before they could effect them: therefore they thought it necessary first to be suitors to his majesty so to order the militia, that, the kingdom being secured, they might with more ease and safety apply themselves to debate of that message wherein they had been interrupted by his majesty's denial of the ordinance concerning the same; because it would have been in vain for them to labour in other things, and in the mean time to leave themselves naked to the malice of so many enemies, both at home and abroad; yet they had not been altogether negligent of those things which his majesty had been pleased to propound in that message: they had agreed upon a book of rates in a larger proportion than had been granted to any of his majesty's predecessors, which was a considerable support of his majesty's public charge; and had likewise prepared divers propositions and bills for preservation of their religion and liberties, which they intended shortly to present to his majesty; and to do whatsoever was fit for them, to make up that unpleasant breach between his majesty and the parliament.

181 "Whereas divers exceptions had been taken concerning the militia; first, that his majesty never denied the thing, but accepted the persons, (except for corporations,) only that he denied the way; to which they answered, that that exception took off London, and all other great towns and cities, which makes a great part of the kingdom; and for the way of ordinance, it is ancient, more speedy, more easily alterable, and, in all these and other respects, more proper, and more applicable to the present occasion, than a bill; which his majesty called the good old way of imposing upon the subjects. It should seem, that neither his majesty's royal predecessors nor their ancestors had heretofore been of that opinion; 37 Edw. III. they said, they found this record: The chancellor made declaration of the challenge of the parliament; the king desires to know the griefs of his subjects, and to redress enormities. The last day of the parliament, the king demanded of the whole

estates, whether they would have such things as they agreed on by way of ordinance or statute? who answered, by way of ordinance, for that they might amend the same at their pleasures; and so it was.

182 “ But his majesty objected further, that there was somewhat in the preface, to which he could not consent with justice to his honour and innocence; and that thereby he was excluded from any power in the disposing of it. These objections, they said, might seem somewhat, but indeed would appear nothing, when it should be considered, that nothing in the preamble laid any charge upon his majesty, or in the body of the ordinance, that excludes his royal authority in the disposing or execution of it: but only it was provided, that it should be signified by both houses of parliament, as that channel through which it would be best derived, and most certainly to those ends for which it was intended; and let all the world judge whether they had not reason to insist upon it, that the strength of the kingdom should rather be ordered according to the advice or direction of the great council of the land, intrusted by the king and by the kingdom, than that the safety of the king, parliament, and kingdom, should be left at the devotion of a few unknown counsellors, many of them not intrusted at all by the king in any public way, nor at all confided in by the kingdom.

183 “ They wished the danger were not imminent, or not still continuing, but could not conceive that the long time spent in that debate was evidence sufficient that there was no such necessity or danger, but a bill might easily have been prepared; for when many causes do concur to the danger of a state, the interruption of any one might hinder the execution of the rest, and yet the design be still kept on foot, for better opportunities. Who knew, whether the ill success of the rebels in Ireland had not hindered the insurrection of the papists here? Whether the preservation of the six members of the parliament false[ly] accused, had not prevented that plot of the breaking the neck of this parliament, of which they were informed from France, not long before they were accused; yet since his majesty had been pleased to express his pleasure rather for a bill than an ordinance, and that he sent in one for that purpose, they readily entertained it, and, with some small and necessary alterations, speedily passed the same. But contrary to the custom of parlia-

ment, and their expectation, grounded upon his majesty's own [invitation] of them to that way, and the other reasons manifested in their declaration concerning the militia, of the fifth of May, instead of the royal assent, they met with an absolute refusal.

184 " For their votes of the fifteenth and sixteenth of March, they said, if the matter of those votes were according to law, they hoped his majesty would allow the subjects to be bound by them, because he had said he would make the law the rule of his power; and if the question were, whether that were law which the lords and commons had once declared to be so, who should be the judge? Not his majesty; for the king judgeth not of matters of law but by his courts; and his courts, though sitting by his authority, expected not his assent in matters of law: not any other courts; for they could not judge in that case, because they were inferior, no appeal lying to them from parliament, the judgment whereof is in the eye of the law the king's judgment in his highest court, though the king in his person be neither present nor assenting thereunto.

185 " *The votes at which his majesty took exception were these:*

1. " That the king's absence so far remote from his parliament, was not only an obstruction, but might prove a destruction to the affairs of Ireland.

2. " That when the lords and commons shall declare what the law of the land is, to have this not only questioned and controverted, but contradicted, and a command that it should not be obeyed, was a high breach of the privilege of parliament.

3. " That those persons who advised his majesty to absent himself from the parliament are enemies to the peace of the kingdom, and justly may be suspected to be favourers of the rebellion in Ireland.

4. " That the kingdom had been of late, and still was, in so eminent danger, both from enemies abroad, and a popish and discontented party at home, that there was an urgent and inevitable necessity of putting his majesty's subjects into a posture of defence, for the safeguard both of his majesty and his people.

5. " That the lords and commons, fully apprehending this danger, and being sensible of their own duty to provide a suit-

able prevention, had in several petitions addressed themselves to his majesty, for the ordering and disposing the militia of the kingdom in such a way, as was agreed by the wisdom of both houses to be most effectual, and proper for the present exigence of the kingdom, yet could not obtain it; but his majesty did several times refuse to give his royal assent thereunto.

6. "That in this case of extreme danger and his majesty's refusal, the ordinance of parliament agreed upon by both houses for the militia, doth oblige the people, and ought to be obeyed, by the fundamental laws of this kingdom.

186 "By all which, they said, it did appear, that there had been no colour of that tax, that they went about to introduce a new law, much less to exercise an arbitrary power, but indeed to prevent it: for this law was as old as the kingdom; that the kingdom must not be without a means to preserve itself; which that it might be done without confusion, this nation had intrusted certain hands with a power to provide, in an orderly and regular way, for the good and safety of the whole; which power, by the constitution of the kingdom, was in his majesty and in his parliament together: yet since the prince, being but one person, is more subject to accidents of nature and chance, whereby the commonwealth may be deprived of the fruit of that trust which was in part reposed in him; in cases of such necessity, that the kingdom may not be enforced presently to return to its first principles, and every man left to do what is right in his own eyes, without either guide or rule; the wisdom of this state hath intrusted the houses of parliament with a power to supply what should be wanting on the part of the prince, as is evident by the constant custom and practice thereof in cases of nonage, natural disability, and captivity; and the like reason doth and must hold for the exercise of the same power in such cases where the royal trust cannot be or is not discharged, and that the kingdom runs an evident and imminent danger thereby; which danger having been declared by the lords and commons in parliament, there needs not the authority of any person or court to affirm, nor is it in the power of any person or court to revoke that judgment.

187 "They said, they knew the king had ways enough, in his ordinary courts of justice, to punish such seditious pamphlets

and sermons as were any ways prejudicial to his rights, honour, and authority; and if any of them had been so insolently violated and vilified, his majesty's own council and officers had been to blame, and not the parliament: they never had restrained any proceedings of that kind in other courts, nor refused any fit complaint to them. The Protestation Protested had been referred by the commons' house to a committee, and, the author being not produced, the printer committed to prison, and the book voted by that committee to be burned; but sir Edward Deering, who was to make that report of the votes of that committee, neglected to make it. *The Apprentices' Protestation* was never complained of: but the other seditious pamphlet, *To your tents, O Israel*, was once questioned, and the full prosecution of it was not interrupted by any fault of either house, whose forwardness to do his majesty all right therein might plainly appear, in that a committee of lords and commons was purposely appointed, to take such informations as the king's council should present concerning seditious words, practices, or tumults, pamphlets or sermons, tending to the derogation of his majesty's rights or prerogative, and his council had been enjoined by that committee to inquire and present them; who several times met thereupon, and received this answer and declaration [from] the king's council, that they knew of no such thing as yet.

- 188 " They said, if his majesty had used the service of such a one in penning that answer, who understood the laws and government of this kingdom, he would not have thought it legally in his power to deny his parliament a guard, when they stood in need of it, since every ordinary court hath it: neither would his majesty, if he had been well informed of the laws, have refused [such] a guard as they desired, it being in the power of inferior courts to command their own guard; neither would he have imposed upon them such a guard, under a commander which they could not have confided in; which is clearly against the privileges of parliament, and of which they found very dangerous effects; and therefore desired to have it discharged; but such a guard, and so commanded, as the houses of parliament desired, they could never obtain of his majesty; and the placing a guard about them, contrary to their desire, was not to grant a guard to them, but in effect to set one upon them: all which considered, they believed, in the judgment of any indifferent

persons, it would not be thought strange, if there were a more than ordinary resort of people at Westminster, of such as came willingly, of their own accord, to be witnesses and helpers of the safety of them, whom all his majesty's good subjects are bound to defend from violence and danger; or that such a concourse as that (they carrying themselves quietly and peaceably, as they did) ought in his majesty's apprehension, or could, in the interpretation of the law, be held tumultuary and seditious.

189 “ They said, when his majesty, in that question of violation of the laws, had expressed the observation of them indefinitely, without any limitation of time, although they never said or thought any thing that might look like a reproach to his majesty, yet they had reason to remember that it had been otherwise, lest they should seem to desert their former complaints, and proceedings thereupon, as his majesty did seem but little to like or approve of them: for though he did acknowledge here that great mischief, that grew by that arbitrary power then complained of; yet such were continually preferred and countenanced, as were friends or favourers, or related unto the chief authors and actors of that arbitrary power, and of those false colours, and suggestions of imminent danger and necessity, whereby they did make it plausible unto his majesty: and, on the other side, such as did appear against them were daily discountenanced and disgraced: which whilst it should so be, they had no reason to believe the disease to be yet killed, and dead at root, and therefore no reason to bury it in oblivion; and, whilst they beheld the spawns of those mischievous principles cherished and fostered in that new generation of counselors, friends, and abettors of the former, or at least concurring with them in their malignancy against the proceedings of this parliament, they could not think themselves secure from the like or a worse danger.

190 “ They observed the penner of his majesty's answer bestowed [here] an admonition upon the parliament, bidding them take heed they fell not upon the same error upon the same suggestions; but, they said, he might well have spared that, till he could have shewed wherein they had exercised any power otherwise than by the rule of the law; or could have found a more authentic, or a higher judge in matters of law, than the high court of parliament.

191 “ It was declared, in his majesty’s name, that he resolved to keep the rule himself, and, to his power, to require the same of all others. They said, they must needs acknowledge, that such a resolution was like to bring much happiness and blessing to his majesty and all his kingdoms ; yet, with humility, they must confess, they had not the fruit of it in that case of the lord Kimbolton, and the other five members, accused contrary to law, both common law and the statute law ; and yet remained unsatisfied : which case had been remembered, in their declaration, as a strange and unheard of violation of their laws : but the penner of that answer thought fit to pass it over, hoping that many would read his majesty’s answer, which had been so carefully dispersed, who would not read their declaration.

192 “ Whereas, after their ample thanks and acknowledgment of his majesty’s favour in passing many good bills, they had said, that truth and necessity enforced them to add this, that in or about the time of passing those bills some design or other had been on foot, which if it had taken effect would not only have deprived them of the fruit of those bills, but would have reduced them to a worse condition of confusion than that wherein the parliament found them : it was now told them, that the king must be most sensible of what they cast upon him for requital of those good bills ; whereas, out of their usual tenderness of his majesty’s honour, they did not mention him at all ; but so injurious, they said, [were] those wicked counsellors to the name and honour of their master and sovereign, that, as much as they could, they laid their own infamy and guilt upon his shoulders.

193 “ Here, they observed, God also was called to witness his majesty’s upright intentions at the passing of those laws ; which, they said, they would not question, neither did they give any occasion of such a solemn asseveration as that was ; the Devil was likewise defied to prove there was any design, with his majesty’s knowledge or privy. [That] might well have been spared ; for they spake nothing of his majesty : but since they were so far taxed, as to have it affirmed that they had laid a false and notorious imputation upon his majesty, they thought it necessary, for the just defence of their own innocency, to cause the oaths and examinations, which had been taken, con-

cerning the design, to be published in a full narration, for satisfaction of all his majesty's subjects; out of which they would now offer some few particulars, [whereby] the world might judge, whether they could proceed with more tenderness towards his majesty than they had done. Mr. Goring confessed, that the king first asked him, whether he were engaged in any cabal concerning the army? and commanded him to join with Mr. Percy, and Mr. Jermyn, and some other[s] whom they should find at Mr. Percy's chamber; where they took the oath of secrecy, and then debated of a design proposed by Mr. Jermyn, to secure the Tower, and to consider of bringing up the army to London; and captain Leg confessed he had received the draught of a petition in the king's presence; and his majesty acknowledgeth it was from his own hand: and whosoever reads the sum of that petition, as it was proved by the testimony of sir Jacob Ashley, sir John Conyers, and captain Leg, will easily perceive some points in it apt to beget in them some discontents against the parliament. And could any man believe there was no design in the accusation of the lord Kimbolton, and the rest, in which his majesty doth avow himself to be both a commander and an actor? These things being so, it would easily appear to be as much against the rules of prudence that the penner of that answer should entangle his majesty in that unnecessary apology, as it was against the rules of justice that any reparation from them should be either yielded or demanded.

- 194 "It was professed, in his majesty's name, that he is truly sensible of the burdens of his people; which made them hope that he would take that course which would be most effectual to ease them of those burdens; that was, to join with his parliament in preserving the peace of the kingdom, which by his absence from them had been much endangered; and which, by hindering the voluntary adventures for the recovery of Ireland, and disabling the subjects to discharge the great tax imposed on them, was like to make the war much more heavy to the kingdom. And for his majesty's wants, the parliament had been no cause of them; they had not diminished his just revenue, but had much eased his public charge, and somewhat his private; and they should be ready, in a parliamentary way, to settle his revenue in such an honourable proportion

as might be answerable to both, when he should put himself into such a posture of government, that his subjects might be secure to enjoy his just protection for their religion, laws, and liberties.

195 " They said, they never refused his majesty's gracious offer of a free and general pardon ; only they said, it could be no security to their present fears and jealousies : and they gave a reason for it ; that those fears did not arise out of any guilt of their own actions, but out of the evil designs and attempts of others ; and they left the world to judge whether they therein had deserved so heavy a tax and exclamation, (' That it was a strange world, when princes' proffered favours were counted reproaches : ' such were the words of his majesty's answer,) who did esteem that offer as an act of princely grace and bounty, which, since this parliament began, they had humbly desired they might obtain, and did still hold it very necessary and advantageous for the generality of the subject, upon whom the taxes and subsidies lie heaviest : but, they said, they saw, upon every occasion, how unhappy they were in his majesty's misapprehensions of their words and actions.

196 " They said, they were fully of the king's mind, as it was there declared, that he might rest so secure of the affections of his subjects, that he should not stand in need of foreign force to preserve him from oppression ; and were confident, that he should never want an abundant evidence of the good wishes and assistance of his whole kingdom ; especially if he would be pleased to hold to that gracious resolution of building upon that sure foundation, the law of the land : but why his majesty should take it ill, that they, having received informations so deeply concerning the safety of the kingdom, and so should think them fit to be considered of, they could not conceive ; for although the name of the person was unknown, yet that which was more substantial to the probability of the report was known, that is, that he was servant to the lord Digby ; who, in his presumptuous letter to the queen's majesty, and other letters to sir Lewis Dives, had intimated some wicked proposition, suitable to that information ; but that this should require reparation, they held it as far from justice, as it was from truth, that they had mixed any malice with those rumours, thereby to feed the fears and jealousies of the people.

197 “It was affirmed, that his majesty was driven from them, but not by them; yet perchance, they said, hereafter, if there should be opportunity of gaining more credit, there would not be wanting who would suggest unto his majesty that it was done by them: and if his majesty were driven from them, they hoped it was not by his own fears, but by the fears of the lord Digby, and his retinue of cavaliers; and that no fears of any tumultuary violence, but of their just punishment for their manifold insolence, and intended violence against the parliament: and this was expressed by the lord Digby himself, when he told those cavaliers, that the principal cause of his majesty’s going out of town was to save them from being trampled in the dirt: but of his majesty’s person there was no cause of fear; in the greatest heat of the people’s indignation, after the accusation, and his majesty’s violent coming to the house, there was no show of any evil intention against his regal person; of which there could be no better evidence than this, that he came the next day without a guard into the city, where he heard nothing but prayers and petitions, no threatenings or irreverent speeches, that might give him any just occasions of fear, that they had heard of, or that his majesty expressed; for he staid near a week after at Whitehall in a secure and peaceable condition: whereby they were induced to believe, that there was no difficulty, or doubt at all, but his majesty’s residence near London might be as safe as in any part of the kingdom. They said, they were most assured of the faithfulness of the city and suburbs; and for themselves, they should quicken the vigour of the laws, the industry of the magistrate, the authority of parliament, for the suppressing of all tumultuary insolence whatsoever, and for the vindicating of his honour from all insupportable and insolent scandals, if any such shall be found to be raised upon him, as were mentioned in that answer: and therefore they thought it altogether unnecessary, and exceeding inconvenient, to adjourn the parliament to any other place.

198 “Where the desire of a good understanding betwixt the king and the parliament was on both sides so earnest, as was there professed by his majesty to be in him, and they had sufficiently testified to be in themselves, it seemed strange they should be, they said, so long asunder; it could be nothing else but evil and malicious counsel misrepresenting their carriage to his majesty,

and in disposing his favour to them. And as it should be far from them to take any advantage of his majesty's supposed straits, as to desire, much less to compel him to that, which his honour or interest might render unpleasant or grievous to him ; so, they hoped, his majesty would not make his own understanding or reason the rule of his government ; but would suffer himself to be assisted with a wise and prudent council, that might deal faithfully betwixt him and his people : and that he would remember, that his resolutions did concern kingdoms ; and therefore ought not to be moulded by his own, much less by any other private person, which was not alike proportionable to so great a trust : and therefore they still desired and hoped, that his majesty would not be guided by his own understanding, or to think those courses, straits and necessities, to which he should be advised by the wisdom of both houses of parliament, which are the eyes in this politic body, whereby his majesty was, by the constitution of the kingdom, to discern the differences of those things which concern the public peace and safety thereof.

199 " They said, they had given his majesty no cause to say that they did meanly value the discharge of his public duty ; whatsoever acts of grace or justice had been done, they proceeded from his majesty by the advice and counsel of his parliament, yet they had and should always answer them with constant gratitude, obedience, and affection ; and although many things had been done since this parliament of another nature, yet they should not cease to desire the continued protection of Almighty God upon his majesty, and most humbly petition him to cast from him all those evil and contrary counsels, which had, in many particulars formerly mentioned, much detracted from the honour of his government, the happiness of his own estate, and prosperity of his people.

200 " And having passed so many dangers from abroad, so many conspiracies at home, and brought on the public work so far, through the greatest difficulties that ever stood in opposition to a parliament, to such a degree of success, that nothing seemed to be left in their way able to hinder the full accomplishment of their desires, and endeavours for the public good, unless God in his justice did send such a grievous curse upon them, as to turn the strength of the kingdom against itself, and to effect that by

their own folly and credulity which the power and subtilty of their enemies could not attain, that was, to divide the people from the parliament, and to make them serviceable to the ends and aims of those who would destroy them: therefore they desired the kingdom to take notice of that last most desperate and mischievous plot of the malignant party, that was acted and prosecuted in many parts of the kingdom, under plausible notions of stirring them up to a care of preserving the king's prerogative; maintaining the discipline of the church; upholding and continuing the reverence and solemnity of God's service; [and] encouraging of learning: and, upon those grounds, divers mutinous petitions had been framed in London, Kent, and other counties; and sundry of his majesty's subjects had been solicited to declare themselves for the king against the parliament; and many false and foul aspersions had been cast upon their proceedings, as if they had been not only negligent, but averse in those points; whereas they desired nothing more, than to maintain the purity and power of religion, and to honour the king in all his just prerogatives; and for encouragement and advancement of piety and learning, they had very earnestly endeavoured, and still did, to the uttermost of their power, that all parishes might have learned, pious, and sufficient preachers, and all such preachers, competent livings.

201 "Many other bills [and propositions], they said, were in preparation, for the king's profit and honour, the people's safety and prosperity; in the proceedings whereof, they were much hindered by his majesty's absence from the parliament; which was altogether contrary to the use of his predecessors and the privilege of parliament, whereby their time was consumed by a multitude of unnecessary messages, and their innocency wounded by causeless and sharp invectives; yet they doubted not but they should overcome all this at last, if the people suffer not themselves to be deluded with false and specious shows, and so drawn to betray them to their own undoing, who had ever been willing to hazard the undoing of themselves, that they might not be betrayed by their neglect of the trust reposed in them: but if it were possible they should prevail herein, yet they would not fail, through God's grace, still to persist in their duties, and to look beyond their own lives, estates, and advantages, as those who think nothing worth the enjoying with-

out the liberty, peace, and safety of the kingdom; nor any thing too good to be hazarded in discharge of [their] consciences, for the obtaining of it: and should always repose themselves upon the protection of Almighty God, which, they were confident, should never be wanting to them, (while they sought his glory,) as they had found it, hitherto, wonderfully going along with them, in all their proceedings."

202 With this declaration they published the examinations of Mr. Goring, Mr. Percy's letter to the earl of Northumberland; which were the great evidence they had of the plot of bringing up the army to awe the parliament; and several other letters and depositions, or rather such parts of depositions as contributed most to their purpose. For the truth is, as they never published, so much as to the houses which were to judge, many depositions of witnesses whose testimonies in a manner vindicated the king from those aspersions which they had a mind should stick upon him, (for many such there were,) so of those which they did publish, they left out many parts, which, being added, would either have obscured or contradicted or discredited much of that out of which they made the people believe much to the king's disservice. And yet with all those ill arts and omissions, I presume many, who without passion do now read those depositions, (for they are in all hands to be read,) do much marvel how such conclusions could result to his majesty's disadvantage out of the worst part of all that evidence; which could not naturally carry that sense to which it was wrested.

203 About this time (which I shall mention before the other declaration, because it intervened) there happened an accident that gave them much trouble, and the more, because unlooked for, by the lord keeper's quitting them, and resorting to York, by which the king got the possession of his own great seal; which by all parties was at that time thought a most considerable advantage. The

king was very much unsatisfied with the lord keeper Littleton; who did not appear so useful for his service as he expected, and from the time of the accusing the members, had lost all his vigour, and, instead of making any opposition to any of their extravagant debates, he had silently suffered all things to be carried; and had not only declined the performing the office the king had enjoined him, with reference to the earls of Essex and Holland, (before mentioned,) but very much complied with and courted that party of both houses which frequently resorted to him; and of late, in a question which had been put in the house of peers in the point of the militia, he had given his vote both against the king and the law, to the infinite offence and scandal of all those who adhered to the king.

204 He was a man of great reputation in the profession of the law; for learning, and all other advantages, which attend the most eminent men; he was of a very good extraction in Shropshire, and inherited a fair fortune and inheritance from his father; he was a handsome and a proper man, of a very graceful presence, and notorious for courage, which in his youth he had manifested with his sword; he had taken great pains in the hardest and most knotty part[s] of the law, as well as that which was more customary; and was not only very ready and expert in the books, but excellently versed in records, in studying and examining whereof he had kept Mr. Selden company, with whom he had great friendship, and who had much assisted him; so that he was looked upon as the best antiquary of the profession who gave himself up to practice; and, upon the mere strength of his own abilities, he had raised himself into the first rank of the practisers in the common law courts, and was chosen recorder of London before he was called to the bench, and grew presently into the highest practice in all the other courts, as well as those of the law. When the

king looked more narrowly into his business, and found that he should have much to do in Westminster-hall, he removed an old, useless, illiterate person, who had been put into that office by the favour of the duke of Buckingham, and made Littleton his solicitor general, much to his honour, but not to his profit; the obligation of attendance upon that office depriving him of much benefit he used to acquire by his practice before he had that relation. Upon the death of the lord Coventry, and Finch being made keeper, he was made chief justice of the common pleas, then the best office of the law, and that which he was wont to say, in his highest ambition, in his own private wishes, he had most desired; and it was indeed the sphere in which he moved most gracefully and with most advantage, being a master of all that learning and knowledge which that place required, and an excellent judge, of great gravity, and above all suspicion of corruption.

²⁰⁵ Whilst he held this place, he was by the favour of the archbishop of Canterbury, and the earl of Strafford, who had a great esteem of him, recommended to the king to be called to the council table, where he kept up his good name; and, upon the lord Finch's leaving the kingdom, in the beginning of the parliament, he was thought, in many respects, to be the fittest to be intrusted in that office; and, upon the desire of the earl of Strafford, after he was in the Tower, was created a baron, out of expectation that, by his authority and knowledge of the law, he would have been of great use in restraining those extraordinary and unwarrantable proceedings: but, from the time he had the great seal he seemed to be out of his element, and in some perplexity and irresolution in the chancery itself, though he had great experience in the practice and proceedings of that court; and made not that despatch that was expected; at the council table and in the parliament he

did not preserve any dignity; and appeared so totally dispirited, that few men shewed any respect to him, but they who most opposed the king, who indeed did exceedingly apply themselves to him, and were with equal kindness received by him. This wonderful alteration in him, his friends believed to have proceeded from a great sickness, which had seized upon him very soon after he was created a baron, insomuch as every man believed he would die; and by this means he did not attend the house in some months; and so performed none of those offices towards the earl of Strafford, the expectation whereof had been the sole motive to that promotion: from that time he never did appear the same man; but sure there were other causes for it, and he was possessed with some melancholic apprehensions, which he could not master, and had no friend to whom he durst entirely communicate [them.]

206 Mr. Hyde, one of those who was most trusted by the king in the house of commons, and had always had a great respect for the keeper, was as much troubled at his behaviour as any man; and using frequently to go to him, went upon that occasion; and with great freedom and plainness told him, "how much he had lost the esteem of all good men, and that the king could not but be exceedingly dissatisfied with him;" and discoursed over the matter of that vote. Though he did not know that the king did at that time put so great a secret trust in Mr. Hyde, yet he knew well that the king had a very good opinion of him, and had heard his majesty often from the beginning of the parliament, when the discourse happened to be of the lawyers of the house, take occasion from thence to mention Mr. Hyde, as a man of whom he heard very well; which the keeper had many times taken notice of to him: and then he knew the friendship that was between the lord Falkland and him [Mr. Hyde], and had heard the many jealousies

which were contracted upon the great communication he had with the two new counsellors; and so no doubt believed, that he knew much of the king's mind. And so as soon as he had entered upon this discourse, which he heard with all attention, (they being by themselves in his study at Exeter house,) he rose from his chair, and went to the door; and finding some persons in the next room, he bade them to withdraw; and so locking both the door of that room, and of his study, he sat down himself, and making Mr. Hyde sit down in another chair, he began "with giving him many thanks for his friendship to him, which, he said, he had ever esteemed, and he could not more manifest the esteem he had of it and him, than by using that freedom again with him which he meant to do. Then he lamented his own condition; and that he had been preferred from the common pleas, where he knew both the business and the persons he had to deal with, to the other high office he now held, which obliged him to converse and transact with another sort of men, who were not known to him, and in affairs which he understood not, and had not one friend amongst them with whom he could confer upon any doubt which occurred to him."

107 He spake then of the unhappy state and condition of the king's business; how much he had been, and was still, betrayed by persons who were about him; and with all possible indignation against the proceedings of the parliament; and said, "they would never do this, if they were not resolved to do more: that he knew the king too well, and observed the carriage of particular men too much, and the whole current of public transactions these last five or six months, not to foresee that it could not be long before there would be a war between the king and the two houses; and of the importance, in that season, that the great seal should be with the king." Then he fell into many expressions of

his duty and affection to the king's person, as well as to his high degree: and "that no man should be more ready to perish with and for his majesty than he would be; that the prospect he had of this necessity had made him carry himself towards that party with so much compliance that he might be gracious with them, at least that they might have no distrust of him; which, he knew, many had endeavoured to infuse into them; and that there had been a consultation within few days, whether, in regard he might be sent for by the king, or that the seal might be taken from him, it would not be best to appoint the seal to be kept in some such secure place, as that there might be no danger of losing it; and that the keeper should always receive it for the execution of his office; they having no purpose to disoblige him. And the knowledge he had of this consultation, and fear he had of the execution of it, had been the reason why in the late debate upon the militia he had given his vote in such a manner, as he knew would make very ill impressions with the king, and many others who did not know him very well; but that, if he had not in that point submitted to their opinion, the seal had been taken from him that night; whereas by this compliance in that vote, which could only prejudice himself and not the king, he had gotten so much into their confidence, that he should be able to preserve the seal in his own hands till the king required it; and then he would be as ready to attend upon his majesty with it."

208 Mr. Hyde was very well pleased with this discourse; and asked him, "whether he would give him leave, when there should be a fit occasion, to assure the king, that he would perform this service when the king should require it?" He desired "that he would do so, and pass his word for the performance of it, as soon as his majesty pleased;" and so they parted.

109 It was within very few days after, that the king exceedingly displeased and provoked with the keeper's behaviour, sent an order to the lord Falkland, "to require the seal from him;" in which the king was very positive, though he was not resolved to what hand to commit it. His majesty wished them (for he always included the other two in such references) to consider, "whether he should give it to the lord chief justice Banks," (against whom he made some objection himself,) "or into the hands of Mr. Selden; and to send their opinion to him." The order was positive for the requiring it from the present officer, but they knew not how to advise for a successor. The lord [chief justice] Banks appeared to be as much afraid as the other; and not thought equal to that charge in a time of so much disorder; though, otherwise, he was a man of great abilities and unblemished integrity: they did not doubt of Mr. Selden's affection to the king, but withal they knew him so well, that they concluded he would absolutely refuse the place, if it were offered to him. He was in years, and of a tender constitution; he had for many years enjoyed his ease, which he loved; was rich; and would not have made a journey to York, or have lain out of his own bed, for any preferment; which he had never affected.

110 Being all the three of one mind, that it would not be fit to offer it to the one or the other; hereupon Mr. Hyde told them the conference he had had with the keeper, and the professions he had made; and was very confident that he would very punctually perform it; and therefore proposed, that "they might, with their opinions of the other persons, likewise advise his majesty to suspend his resolution concerning the lord keeper, and rather to write kindly to him, to bring the seal to his majesty, instead of sending for the seal itself, and to cast him off;" and offered to venture his own

credit with the king, upon the keeper's complying with his majesty's command. Neither of them were of his opinion; and had both no esteem of the keeper, nor believed that he would go to his majesty if he were sent for, but that he would find some trick to excuse himself; and therefore were not willing that Mr. Hyde should venture his reputation upon it. He desired them then "to consider how absolutely necessary it was, that the king should first resolve into what hand to put the seal before he removed it; for that it could not be unemployed one hour, but that the whole justice of the kingdom would be out of order, and draw a greater and a juster clamour than had been yet: that there was as much care to be taken, that it should not be in the power of any man to refuse it, which would be yet more prejudicial to his majesty. He desired them above all, to weigh well, that the business consisted only in having the great seal in the place where his majesty resolved to be; and if the keeper would keep his promise, and desired to serve and please the king, it would be unquestionably the best way, that he and the seal were both there: if, on the other side, he were not an honest man, and cared not for offending the king, he would then refuse to deliver it; and inform the lords of it; who would justify him for his disobedience, and reward and cherish him; and he must then hereafter serve their turn; the mischief whereof would be greater than could be easily imagined: and his [majesty's] own great seal should be every day used against him, nor would it be possible in many months to procure a new one to be made."

211 These objections appeared of weight to them; and they resolved to give an account of the whole to the king, and to expect his order: and both the lord Falkland and Mr. Hyde writ to his majesty, and sent their letters away that very night. The king was satisfied

with the reasons, and was very glad that Mr. Hyde was so confident of the keeper; though, he said, he remained still in doubt; and resolved, "that he would, such a day of the week following, send for the keeper and the seal;" and that it should be, as had been advised, upon a Saturday afternoon, as soon as the house of lords should rise; because then no notice could be taken of it till Monday. Mr. Hyde, who had continued to see the keeper frequently, and was confirmed in his confidence of his integrity, went now to him; and finding him firm to his resolution, and of the opinion, in regard of the high proceedings of the houses, that it should not be long deferred; he told him, "that he might expect a messenger the next week, and that he should once more see him, when he would tell him the day; and that he would then go himself away before him to York;" with which he was much pleased, and it was agreed between the three, that it was now time that he should be gone (the king having sent for him some time before) after a day or two; in which time the declaration of the nineteenth of May would be passed.

212 On the Saturday following, between two and three of the clock in the afternoon, Mr. Elliot, a groom of the bedchamber to the prince, came to the keeper, and found him alone in the room where he used to sit, and delivered him a letter from the king in his own hand; wherein he required him, with many expressions of kindness and esteem, "to make haste to him; and if his indisposition" (for he was often troubled with gravel and sharpness of urine) "would not suffer him to make such haste upon the journey as the occasion required, that he should deliver the seal to the person who gave him the letter; who, being a strong young man, would make such haste as was necessary; and that he might make his own journey by those degrees which his health required." The keeper was surprised with the messen-

ger, whom he did not like; and more when he found that he knew the contents of the letter, which, he hoped, would not have been communicated to any man who should be sent: he answered him with much reservation; and when the other with bluntness, as he was no polite man, demanded the seal of him, which he had not thought of putting out of his own hands; he answered him, "that he would not deliver it into any hands but the king's:" but presently recollecting himself, and looking over his letter again, he quickly considered, that it would be hazardous to carry the seal himself such a journey; and that if by any pursuit of him, which he could not but suspect, he should be seized upon, the king would be very unhappily disappointed of the seal, which he had reason so much to depend upon; and that his misfortune would be wholly imputed to his own fault and infidelity, (which, without doubt, he abhorred with his heart;) and the only way to prevent that mischief, or to appear innocent under it, was to deliver the seal to the person trusted by the king himself to receive it; and so, without telling him any thing of his own purpose, he delivered the seal into his hands; and he forthwith put himself on his horse, and with wonderful expedition presented the great seal into his majesty's own hands, who was infinitely pleased with it and with the messenger.

213 The keeper, that evening, pretended to be indisposed, and that he would take his rest early, and therefore that nobody should be admitted to speak with him: and then he called sergeant Lee to him, who was the sergeant who waited upon the seal, and in whom he had great confidence, as he well might; and told him freely, "that he was resolved, the next morning, to go to the king, who had sent for him; that he knew well how much malice he should contract by it from the parliament, which would use all the means they could to

apprehend him ; and he himself knew not how he should perform the journey, therefore he put himself entirely into his hands ; that he should cause his horses to be ready against the next morning, and only his own groom to attend them, and he to guide the best way, and that he would not impart it to any other person." The honest sergeant was very glad of the resolution, and cheerfully undertook all things for the journey ; and so sending the horses out of the town, the keeper put himself in his coach very early the next morning, and as soon as they were out of the town, he and the sergeant, and one groom, took their horses, and made so great a journey that day, it being about the beginning of June, that before the end of the third day he kissed the king's hands at York.

- 14 He had purposely procured the house of peers to be adjourned to a later hour in the morning for Monday, than it used to be. Sunday passed without any man's taking notice of the keeper's being absent ; and many, who knew that he was not at his house, thought he had been gone to Cranford, his country house, whither he frequently went on Saturday nights, and was early enough at the parliament on the Monday mornings ; and so the lords the more willingly consented to the later adjournments for those days. But on Monday morning, when it was known when, and in what manner, he had left his house, the confusion in both houses was very great ; and they who had thought that their interest was so great in him, that they knew all his thoughts, and had valued themselves, and were valued by others, upon that account, hung down their heads, and were even distracted with shame : however they could not but conclude, that he was out of their reach before the lords met ; yet to shew their indignation against him, and it may be in hope that his infirmities would detain him long in the journey, (as nobody indeed thought that he

could have performed it with that expedition,) they issued out such a warrant for the apprehending him, as had been in the case of the foulest felon or murderer; and printed it, and caused it to be dispersed, by expresses, over all the kingdom, with great haste. All which circumstances, both before and after the keeper's journey to York, are the more particularly and at large set down, out of justice to the memory of that noble person; whose honour suffered then much in the opinion of many, by the confident report of the person who was sent for and received the seal, and who was a loud and a bold talker, and desired to have it believed, that his manhood had ravished the great seal from the keeper, even in spite of his teeth; which, how impossible soever in itself, found too much credit; and is therefore cleared by this very true and punctual relation, which in truth is but due to him.

215 But the trouble and distraction which at this time possessed them was visibly very great; and their dejection such, that the same day the lord of Northumberland (who had been of another temper) moved, "that a committee might be appointed, to consider how there might be an accommodation between the king and his people, for the good, happiness, and safety of both king and kingdom;" which committee was appointed accordingly.

216 This temper of accommodation troubled them not long, new warmth and vigour being quickly infused into them by the unbroken or undaunted spirits of the house of commons; which, to shew how little they valued the power or authority of the king, though supported by having now his great seal by him, on the twenty-sixth of May agreed on a new remonstrance to the people; in which, the lords concurring, they informed them,

217 "That although the great affairs of the kingdom, and the

miserable bleeding condition of the kingdom of Ireland, afforded them little leisure to spend their time in declarations and in answers and replies, yet the malignant party about his majesty taking all occasions to multiply calumnies upon the houses of parliament, and to publish sharp invectives, under his majesty's name, against them and their proceedings, (a new engine they had invented to heighten the distractions of this kingdom, and to beget and increase distrust and disaffection between the king and his parliament and the people,) they could not be so much wanting to their own innocency, or to the duty of their trust, as not to clear themselves from those false aspersions, and (which was their chiefest care) to disabuse the people's minds, and open their eyes, that, under the false shows, and pretexts of the law of the land, and of their own rights and liberties, they may not be carried into the road way that leadeth to the utter ruin and subversion thereof. A late occasion that those wicked spirits of division had taken to defame, and indeed to arraign the proceedings of both houses of parliament, had been from their votes of the twenty-eighth of April, and their declaration concerning the business of Hull, which because they put forth before they could send their answer concerning that matter unto his majesty, those mischievous instruments of dissension between the king and the parliament and the people, whose chief labour and study was to misrepresent their actions to his majesty and to the kingdom, would needs interpret this as an appeal to the people, and a declining of all intercourse between his majesty and them; as if they thought it to no purpose to endeavour any more to give his majesty satisfaction; and, without expecting any longer their answer, under the name of a message from his majesty to both houses, they themselves had indeed made an appeal to the people, as the message itself did in a manner grant it to be, offering to join issue with them in that way, and in the nature thereof did clearly shew itself to be no other; therefore they would likewise address their answer to the kingdom, not by way of appeal, (as they were charged,) but to prevent them from being their own executioners, and from being persuaded under false colours of defending the law, and their own liberties, to destroy both with their own hands, by taking their lives, liberties, and estates out of their hands, whom they had chosen and intrusted therewith, and resigning them up unto some evil counsellors about his majesty,

who could lay no other foundation of their own greatness, but upon the ruin of this, and, in it, of all parliaments; and, in them, of the true religion and the freedom of this nation. And these, they said, were the men that would persuade the people that both houses of parliament, containing all the peers, and representing all the commons of England, would destroy the laws of the land and liberties of the people; wherein, besides the trust of the whole, they themselves, in their own particulars, had so great an interest of honour and estate, that they hoped it would gain little credit with any that had the least use of reason, that such, as must have so great a share in the misery, should take so much pains in the procuring thereof; and spend so much time, and run so many hazards to make themselves slaves, and to destroy the property of their estates. But that they might give particular satisfaction to the several imputations cast upon them, they would take them in order, as they were laid upon them in that message.

218 “First, they were charged for the avowing that act of sir John Hotham; which was termed unparalleled, and an high and unheard of affront unto his majesty, and as if they needed not to have done it; he being able, as was alleged, to produce no such command of the houses of parliament. They said, although sir John Hotham had not an order that did express every circumstance of that case, yet he might have produced an order of both houses which did comprehend this case, not only in the clear intention, but in the very words thereof; which they knowing in their consciences to be so, and to be most necessary for the safety of the kingdom, they could not but in honour and justice avow that act of his; which, they were confident, would appear to all the world to be so far from being an affront to the king, that it would be found to have been an act of great loyalty to his majesty and to his kingdom.

219 “The next charge upon them was, that, instead of giving his majesty satisfaction, they published a declaration concerning that business, as an appeal to the people, and as if their intercourse with his majesty, and for his satisfaction, were now to no more purpose; which course was alleged to be very unagreeable to the modesty and duty of former times, and not warrantable by any precedents but what themselves had made. They said, if the penner of that message had expected a while, or had not ex-

pected that two houses of parliament (especially burdened, as they were at that time, with so many pressing and urgent affairs) should have moved as fast as himself, he would not have said, that declaration was instead of an answer to his majesty; which they did despatch with all the speed and diligence they could, and had sent it to his majesty by a committee of both houses; whereby it appeared, that they did it not upon that ground, that they thought it was no more to any purpose to endeavour to give his majesty satisfaction.

220 "And as for the duty and modesty of former times, from which they were said to have varied, and to want the warrant of any precedents therein, but what themselves had made: if they had made any precedents this parliament, they had made them for posterity, upon the same or better grounds of reason and law than those were upon which their predecessors first made for them: and as some precedents ought not to be rules for them to follow, so none could be limits to bound their proceedings; which might and must vary, according to the different condition of times. And for that particular, of setting forth declarations for the satisfaction of the people who had chosen and intrusted them with all that was dearest to them: if there were no example for it, it was because there were never any such monsters before, that ever attempted to disaffect the people from a parliament, or could ever harbour a thought that it might be effected. Were there ever such practices to poison the people with an ill apprehension of the parliament? Were there ever such imputations and scandals laid upon the proceedings of both houses? Were there ever so many and so great breaches of the privilege of parliament? Were there ever so many and so desperate designs of force and violence against the parliament and the members thereof? If they had done more than ever their ancestors had done, they said, they had suffered more than ever they had suffered; and yet, in point of modesty and duty, they would not yield to the best of former times; and they would put that in issue, whether the highest and most unwarrantable precedents of any of his majesty's predecessors did not fall short and much below what had been done to them this parliament? And, on the other side, whether, if they should make the highest precedents of other parliaments their patterns, there would be cause to complain of want of

modesty and duty in them ; when they had not so much as suffered such things to enter into their thoughts, which all the world knew they had put in act ?

221 “ Another charge which was laid very high upon them, and which [were] indeed a very great crime if they were found guilty thereof, was, that, by avowing that act of sir John Hotham, they did in consequence confound and destroy the title and interest of all his majesty's good subjects to their lands and goods ; and that upon this ground, that his majesty had the same title to his town of Hull, which any of his subjects had to their houses or lands, and the same to his magazine and munition there, that any man had to his money, plate, or jewels : and, therefore, that they ought not to have been disposed of, without or against his consent, no more than the house, land, money, plate, or jewels, of any subject ought to be, without or against his will.

222 “ Here, they said, that was laid down for a principle, which would indeed pull up the very foundation of the liberty, property, and interest of every subject in particular, and of all the subjects in general, if they should admit it for a truth, that his majesty had the same right and title to his towns and to his magazines, (bought with the public monies, as they conceived that at Hull to have been,) that every particular man hath to his house, lands, and goods. For his majesty's towns were no more his own, than his kingdom was his own ; and his kingdom was no more his own, than his people are his own ; and if the king had a property in all his towns, what would become of the subjects' property in their houses therein ? and if he had a property in his kingdom, what would become of the subjects' property in their lands throughout the kingdom ? or of their liberties, if his majesty had the same right in their persons that every subject hath in his lands and goods ? and what would become of all the subjects' interests in the towns and forts of the kingdom, and in the kingdom itself, if his majesty might sell, or give them away, or dispose of them at his pleasure, as a particular man might do with his lands and with his goods ? This erroneous maxim being infused into princes, that their kingdoms are their own, and that they may do with them what they will, as if their kingdoms were for them, and not they for their kingdoms, was, they said, the root of all the subjects' misery, and of the invading of their just rights and liberties ;

whereas, indeed, they are only intrusted with their kingdoms, and with their towns, and with their people, and with the public treasure of the commonwealth, and whatsoever is bought therewith; and, by the known law of this kingdom, the very jewels of the crown are not the king's proper goods, but are only intrusted to him for the use and ornament thereof: as the towns, forts, treasure, magazines, offices, and the people of the kingdom, and the whole kingdom itself is intrusted unto him for the good and safety and best advantage thereof: and as this trust is for the use of the kingdom, so ought it to be managed by the advice of the houses of parliament, whom the kingdom hath trusted for that purpose; it being their duty to see it discharged according to the condition and true intent thereof; and as much as in them lies, by all possible means, to prevent the contrary; which if it had been their chief care and only aim in the disposing of the town and magazine of Hull in such manner as they had done, they hoped it would appear clearly to all the world, that they had discharged their own trust, and not invaded that of his majesty's, much less his property; which in that case they could not do.

223 "But admitting his majesty had indeed had a property in the town and magazine of Hull; who doubted but that a parliament may dispose of any thing, wherein his majesty or any subject hath a right, in such a way, as that the kingdom may not be exposed to hazard or danger thereby? which was their case, in the disposing of the town and magazine of Hull. And whereas his majesty did allow this and a greater power to a parliament, but in that sense only as he himself was a part thereof; they appealed to every man's conscience, that had observed their proceedings, whether they disjoined his majesty from his parliament, who had in all humble ways sought his concurrence with them, as in that particular about Hull, and for the removal of the magazine there, so also in all other things; or whether those evil councils about him had not separated him from his parliament; not only in distance of place, but also in the discharge of the joint trust with them, for the peace and safety of the kingdom in that and some other particulars.

224 "They had given no occasion to his majesty, they said, to declare with so much earnestness his resolution, that he would

not suffer either or both houses by their votes, without or against his consent, to enjoin any thing that was forbidden by the law, or to forbid any thing that was enjoined by the law; for their votes had done no such thing: and as they should be very tender of the law, (which they did acknowledge to be the safeguard and custody of all public and private interests,) so they would never allow a few private persons about the king, nor his majesty himself in his own person, and out of his courts, to be judge of the law, and that contrary to the judgment of the highest court of judicature. In like manner, that his majesty had not refused to consent to any thing that might be for the peace and happiness of the kingdom, they could not admit it in any other sense, but as his majesty taketh the measure of what will be for the peace and happiness of his kingdom, from some few ill affected persons about him, contrary to the advice and judgment of his great council of parliament. And because the advice of both houses of parliament had, through the suggestions of evil counsellors, been so much undervalued of late, and so absolutely rejected and refused, they said, they held it fit to declare unto the kingdom, whose honour and interest was so much concerned in it, what was the privilege of the great council of parliament herein; and what was the obligation that lay upon the kings of this realm to pass such bills as are offered to them by both houses of parliament in the name and for the good of the whole kingdom, whereunto they stand engaged, both in conscience and in justice, to give their royal assent: in conscience, in regard of the oath that is or ought to be taken by the kings of this realm at their coronation, as well to confirm by their royal assent such good laws as the people shall choose, and to remedy by law such inconveniences as the kingdom may suffer; as to keep and protect the laws already in being; as may appear both by the form of the oath upon record, and in books of good authority, and by the statute of the 25 of Edward III. entitled, *The Statute of Provisors of Benefices*; the form of which oath, and the clause of the statute that concerneth it, are as followeth:

225

Rot. Parliament. H. IV. N. 17.

FORMA JURAMENTI soliti, et consueti præstari per REGES ANGLIÆ
in eorum CORONATIONE.

*Servabis ecclesiæ Dei, cleroque, et populo, pacem ex integro, et
concordiam in Deo, secundum vires tuas?*

Respondebit, *Servabo.*

*Facies fieri in omnibus judiciis tuis æquam, et rectam justitiam,
et discretionem in misericordia et veritate, secundum vires tuas?*

Respondebit, *Faciam.*

*Concedis justas leges, et consuetudines esse tenendas; et promittis
per te eas esse protegendas, et ad honorem Dei corroborandas, quas
vulgus elegerit, secundum vires tuas?*

Respondebit, *Concedo et promitto.*

*Adjicianturque prædictis interrogationibus quæ justa fuerint,
prænunciatisque omnibus, confirmet rex se omnia servaturum, sa-
cramento super altare præstito, coram cunctis.*

A CLAUSE in the PREAMBLE of a STATUTE made the 25 Edw. III.
entitled, *The Statute of Provisors of Benefices.*

226 *Whereupon the said commons have prayed our said lord the
king, that sith the right of the crown of England, and the law of
the said realm is such, that upon the mischiefs and damages, which
happen to this realm, he ought, and is bound by his oath, with
the accord of his people in his parliament, thereof to make remedy
and law, and in removing the mischiefs and damages which thereof
ensue, that it may please him thereupon to ordain remedy.*

227 *Our lord the king seeing the mischiefs and damages before men-
tioned, and having regard to the statute made in the time of his
said grandfather, and to the causes contained in the same, which
statute holdeth always his force, and was never defeated, repealed,
nor annulled in any point, and by so much he is bounden by his
oath to cause the same to be kept as the law of his realm, though
that, by sufferance and negligence, it hath been sithence attempted
to the contrary: also having regard to the grievous complaints
made to him by his people, in divers his parliaments holden*

heretofore, willing to ordain remedy for the great damages and mischiefs which have happened and daily do happen to the church of England by the said cause :

228 “ Here, they said, the lords and commons claim it directly as the right of the crown of England, and of the law of the land, and that the king is bound by his oath, with the accord of his people in parliament, to make remedy and law, upon the mischiefs and damages which happen to this realm ; and the king doth not deny it, although he take occasion from a statute formerly made by his grandfather, which was laid as part of the grounds of this petition, to fix his answer upon another branch of his oath, and pretermits that which is claimed by the lords and commons ; which he would not have done, if it might have been excepted against.

229 “ In justice, they said, they are obliged thereunto, in respect of the trust reposed in them ; which is as well to preserve the kingdom by the making new laws, where there shall be need, as by observing of laws already made ; a kingdom being, many times, as much exposed to ruin for the want of a new law, as by the violation of those that are in being : and this is so clear a right, that, no doubt, his majesty would acknowledge it to be as due to his people, as his protection. But how far forth he was obliged to follow the judgment of his parliament therein, that is the question. And certainly, besides the words in the king's oath, referring unto such laws as the people shall choose, as in such things which concern the public weal and good of the kingdom, they are the most proper judges, who are sent from the whole kingdom for that very purpose ; so they did not find, that since laws have passed by way of bills, (which are read thrice in both houses, and committed ; and every part and circumstance of them fully weighed, and debated upon the commitment, and afterwards passed in both houses,) that ever the kings of this realm did deny them, otherwise than is expressed in that usual answer, *Le roy s'avisera* ; which signifies rather a suspension, than a refusal of the royal assent. And in those other laws, which are framed by way of petitions of right, the houses of parliament have taken themselves to be so far judges of the right claimed by them, that when the king's answer hath not, in every point, been fully according

to their desire, they have still insisted upon their claim, and never rested satisfied, till such time as they had an answer according to their demand; as had been done in the late Petition of Right, and in former times upon the like occasion. And if the parliament be judge between the king and his people in the question of right, (as by the manner in the claim in petitions of right, and by judgments in parliament, in cases of illegal impositions and taxes, and the like, it appears to be,) why should they not be so also in the question of the common good and necessity of the kingdom; wherein the kingdom hath as clear a right also to have the benefit and remedy of law, as in any thing whatsoever? And yet they did not deny, but that in private bills, and also in public acts of grace, as pardons, and the like grants of favour, his majesty might have a greater latitude of granting or denying, as he should think fit.

230 “All this considered, they said, they could not but wonder that the contriver of that message should conceive the people of this land to be so void of common sense, as to enter into so deep a mistrust of those, whom they have, and his majesty ought to repose so great a trust in, as to despair of any security in their private estates, by descents, purchases, assurances, or conveyances; unless his majesty should, by his vote, prevent the prejudice they might receive therein by the votes of both houses of parliament; as if they, who are especially chosen and intrusted for that purpose, and who themselves must needs have so great a share in all grievances of the subject, had wholly cast off all care of the subject's good, and his majesty had solely taken it up; and [as] if it could be imagined that they should by their votes overthrow the rights of descents, purchases, or of any conveyance or assurance, in whose judgment the whole kingdom hath placed all their particular interests, if any of them should be called in question in any of those cases; and that (as not knowing where to place them with greater security) without any appeal from them to any other person or court whatsoever.

231 “But indeed they were very much to seek, how the case of Hull could concern descents and purchases, or conveyances and assurances; unless it were in procuring more security to men in their private interests, by the preservation of the whole from confusion and destruction; and much less did they understand

how the sovereign power was resisted and despised therein. Certainly no command from his majesty, and his high court of parliament, (where the sovereign power resides,) was disobeyed by sir John Hotham; nor yet was his majesty's authority derived out of any other court, nor by any legal commission, or by any other way, wherein the law had appointed his majesty's commands to be derived to his subjects; and of what validity his verbal commands are, without any such stamp of his authority upon them, and against the order of both houses of parliament, and whether the not submitting thereunto be a resisting and despising of the sovereign authority, they would leave to all men to judge, that do at all understand the government of this kingdom.

232 "They acknowledged that his majesty had made many expressions of his zeal and intentions against the desperate designs of the papists; but yet it was also as true, that the counsels which had prevailed of late with him had been little suitable to those expressions and intentions. For what did more advance the open and bloody design of the papists in Ireland, (whereon the secret plots of the papists here did in all likelihood depend,) than his majesty's absenting himself, in that manner that he did, from his parliament; and setting forth such sharp invectives against them, notwithstanding all the humble petitions, and other means, which his parliament had addressed unto him, for his return, and for his satisfaction concerning their proceedings? And what was more likely to give a rise to the designs of the papists, (whereof there were so many in the north, near to the town of Hull,) and of other malignant and ill affected persons, (which were ready to join with them,) or to the attempts of foreigners from abroad, than the continuing of that great magazine at Hull, at this time, and contrary to the desire and advice of both houses of parliament? So that they had too much cause to believe, that the papists had still some way and means, whereby they had influence upon his majesty's counsels for their own advantage.

233 "For the malignant party, they said, his majesty needed not a definition of the law, nor yet a more full character of them from both houses of parliament, for to find them out, if he would please only to apply [the] character that himself had made of them, to those unto whom it doth properly and truly belong.

Who are so much disaffected to the peace of the kingdom, as they that endeavour to disaffect his majesty from the houses of parliament, and persuade him to be at such a distance from them, both in place and affection? Who are more disaffected to the government of the kingdom, than such as lead his majesty away from hearkening to his parliament; which, by the constitution of the kingdom, is his greatest and best council; and persuade him to follow the malicious counsels of some private men, in opposing and contradicting the wholesome advices and just proceedings of that his most faithful council and highest court? Who are they, that not only neglect and despise, but labour to undermine the law, under colour of maintaining it, but they that endeavour to destroy the fountain and conservatory of the law, which is the parliament? And who are they that set up rules for themselves to walk by, [other] than such as are according to law, but they that will make other judges of the law than the law hath appointed; and so dispense with their obedience to that which the law calleth authority, and to their determinations and resolutions, to whom the judgment doth appertain by law? For when private persons shall make the law to be their rule according to their own understandings, contrary to the judgment of those that are the competent judges thereof, they set up unto themselves other rules than the law doth acknowledge. Who those persons were, none knew better than his majesty himself: and if he would please to take all possible caution of them, as destructive to the commonwealth and himself, and would remove them from about him, it would be the most effectual means to compose all the distractions, and to cure the distempers of the kingdom.

²³⁴ "For the lord Digby's letter, they said, they did not make mention of it as a ground to hinder his majesty [from visiting] his own fort; but they appealed to the judgment of any indifferent man, that should read that letter, and compare it with the posture that his majesty then did and still doth stand in towards the parliament, and with the circumstances of that late action of his majesty in going to Hull, whether the advisers of that journey intended only a visit of that fort and magazine?

"As to the ways and overtures of accommodation, and the message of the twentieth of January last, so often pressed, but still in vain, as was alleged: their answer was, that although so

often as that message of the twentieth of January had been pressed, so often had their privileges been clearly infringed, that a way and method of proceeding should be prescribed to them, as well for the settling of his majesty's revenue, as for the presenting of their own desires, (a thing which in former parliaments had always been excepted against as a breach of privilege,) yet, in respect to the matter contained in that message, and out of their earnest desire to beget a good understanding between his majesty and them, they swallowed down all matters of circumstance; and had ere that time presented the chief of their desires to his majesty, had they not been interrupted with continual denials, even of those things that were necessary for their present security and subsistence; and had not those denials been followed with perpetual invectives against them and their proceedings; and had not those invectives been heaped upon them so thick one after another, (who were in a manner already taken up wholly with the pressing affairs of this kingdom, and of the kingdom of Ireland,) that as they had little encouragement from thence to hope for any good answers to their desires, so they had not so much time left them to perfect them in such a manner as to offer them to his majesty.

236 “They confessed it a resolution most worthy of a prince and of his majesty, to shut his ears against any that would incline him to a civil war; and to abhor the very apprehension of it. But they could not believe that mind to have been in them that came with his majesty to the house of commons; or in them that accompanied his majesty to Hampton-court, and appeared in a warlike manner at Kingston upon Thames; or in divers of them who followed his majesty then lately to Hull; or in them who after drew their swords in York, demanding, *Who would be for the king?* nor in them that advised his majesty to declare sir John Hotham a traitor, before the message was sent concerning that business to the parliament, or to make propositions to the gentlemen of the county of York to assist his majesty to proceed against him in a way of force, before he had, or possibly could receive an answer from the parliament, to whom he had sent to demand justice of them against sir John Hotham for that fact: and if those malignant spirits [should] ever force them to defend their religion, the kingdom, the privileges of parliament, and the rights and liberties of the subjects, with their swords; the blood

and destruction that should ensue thereupon must be wholly cast upon their account; God and their own consciences told them, that they were clear; and they doubted not, but God and the whole world would clear them therein.

- 237 "For captain Leg, they had not said that he was accused, or that there was any charge against him, for the bringing up of the army; but that he was employed in that business. And for that concerning the earl of Newcastle, mentioned by his majesty, which was said to have been asked long since, and that it was not easy to be answered: they conceived it was a question of more difficulty, and harder to be answered, why, when his majesty held it necessary, upon the same grounds that first moved from the houses of parliament, that a governor should be placed in that town, sir John Hotham, a gentleman of known fortune and integrity, and a person of whom both houses of parliament had expressed their confidence, should be refused by his majesty; and the earl of Newcastle (who, by the way, was so far named in the business of bringing up the army, that although there was not ground enough for a judicial proceeding, yet there was ground of suspicion; at least his reputation was not left so unblemished thereby, as that he should be thought the fittest man in England for that employment of Hull) should be sent down in a private way from his majesty to take upon him that government? And why he should disguise himself under another name, when he came thither, as he did? But whosoever should consider, together with those circumstances, that of the time when sir John Hotham was appointed by both houses of parliament to take upon him that employment, which was presently after his majesty's coming to the house of commons, and upon the retiring himself to Hampton-court, and the lord Digby's assembling of cavaliers at Kingston upon Thames, would find reason enough why that town of Hull should be committed rather to sir John Hotham, by the authority of both houses of parliament, than to the earl of Newcastle, sent from his majesty in that manner that he was. And for the power that sir John Hotham had from the two houses of parliament, the better it was known and understood, they were confident the more it would be approved and justified: and as they did not conceive that his majesty's refusal to have that magazine removed could give any advantage against him to have it taken

from him, and as no such thing was done, so they could not conceive for what other reason any should counsel his majesty not to suffer it to be removed upon the desire of both houses of parliament, except it were, that they had an intention to make use of it against them.

238 “ They said, they did not except against those that presented a petition to his majesty at York for the continuance of the magazine at Hull, in respect of their condition, or in respect of their number; because they were mean persons, or because they were few; but because they being but a few, and there being so many more in the county of as good quality as themselves, (who had, by their petition to his majesty, disavowed that act of theirs,) that they should take upon them the style of all the gentry and inhabitants of that county, and under that title should presume to interpose their advice contrary to the votes of both houses of parliament: and if it could be made to appear, that any of those petitions that are said to have been presented to the houses of parliament, and to have been of a strange nature, were of such a nature as that, they were confident that they were never received with their consent and approbation.

239 “ Whether there was an intention to deprive sir John Hotham of his life, if his majesty had been admitted into Hull; and whether the information were such, as that he had ground to believe it, they would not bring into question; for that was not, nor ought to have been, the ground for doing what he did: neither was the number of his majesty's attendants, for being more or fewer, much considerable in this case; for although it were true, that if his majesty had entered with twenty horse only, he might happily have found means for to have forced the entrance of the rest of his train; who, being once in the town, would not have been long without arms; yet that was not the ground upon which sir John Hotham was to proceed; but upon the admittance of the king into the town at all, so as to deliver up the town and magazine unto him, and to whomsoever he should give the command thereof, without the knowledge and consent of both houses of parliament, by whom he was intrusted to the contrary: and his majesty having declared that to be his intention concerning the town, in a message that he sent to the parliament, not

long before he went to Hull; saying, that he did not doubt, but that town should be delivered up to him, whensoever he pleased, as supposing it to be kept against him; and in like manner concerning his magazine, in his message of the twenty-fourth of April, wherein it is expressed, that his majesty went thither with a purpose to take into his hands the magazine, and to dispose of it in such manner as he should think fit; upon those terms, sir John Hotham could not have admitted his majesty, and have made good his trust to the parliament, though his majesty would have entered alone, without any attendants at all of his own, or of the prince or duke, his sons; which they did not wish to be less than they were in their number, but could heartily wish that they were generally better in their conditions.

240 “ In the close of that message, his majesty stated the case of Hull; and thereupon inferred, that the act of sir John Hotham was levying war against the king; and, consequently, that it was no less than high treason by the letter of the statute of the 25 Edw. III. ch. 2, unless the sense of that statute were very far differing from the letter thereof.

“ In the stating of that case, they said, divers particulars might be observed, wherein it was not rightly stated: as,

1. “ That his majesty's going to Hull was only an endeavour to visit a town and fort of his: whereas it was indeed to possess himself of the town and magazine there, and to dispose of them as he himself should think good, without and contrary to the advice and orders of both houses of parliament; as did clearly appear by his majesty's own declaration of his intentions therein, by his messages to both houses, immediately before and after that journey. Nor could they believe, that any man, who should consider the circumstances of that journey to Hull, could think, that his majesty would have gone thither at that time, and in that posture that he was pleased to put himself in towards the parliament, if he had intended only a visit of the town and magazine.

2. “ It was said to be his majesty's own town and his own magazine, which being understood in that sense as was before expressed, as if his majesty had a private interest of propriety therein, they could not admit it to be so.

3. “ Which was the main point of all, sir John Hotham

was said to have shut the gates against his majesty, and to have made resistance with armed men, in defiance of his majesty; whereas it was indeed in obedience to his majesty and his authority, and for his service, and the service of the kingdom; for which use only all that interest is that the king hath in the town; and it is no further his to dispose of, than he useth it for that end: and sir John Hotham being commanded to keep the town and magazine for his majesty and the kingdom, and not to deliver them up but by his majesty's authority signified by both houses of parliament, all that was to be understood by those expressions, of his denying and opposing his majesty's entrance, and telling him in plain terms that he should not come in, was only this, that he humbly desired his majesty to forbear his entrance till he might acquaint the parliament; and that his authority might come signified to him by both houses of parliament, according to the trust reposed in him. And certainly, if the letter of the statute of the 25 Edw. III. ch. 2. be thought to import this; that no war can be levied against the king but what is directed and intended against his person, or that every levying of forces, for the defence of the king's authority and of his kingdom, against the personal commands of the king opposed thereunto, though accompanied with his presence, is levying war against the king, it is very far from the sense of that statute; and so much the statute itself speaks, (besides the authority of book cases; precedents of divers traitors condemned upon that interpretation thereof.) For if the clause of levying of war had been meant only against the king's person, what need had there been thereof after the other branch of treason, in the same statute, of compassing the king's death, which would necessarily have implied this? And because the former clause doth imply this, it seems not at all to be intended in this latter branch; but only the levying of war against the king, that is, against his laws and authority: and the levying of war against his laws and authority, though not against his person, is levying war against the king; but the levying of force against his personal commands, though accompanied with his presence, and not against his laws and authority, but in the maintenance thereof, is no levying of war against the king, but for him.

242 “Here was then, they said, their case: In a time of so many

successive plots and designs of force against the parliament and the kingdom ; in a time of probable invasion from abroad, and that to begin at Hull, and to take the opportunity of seizing upon so great a magazine there ; in a time of so great distance and alienation of his majesty's affections from his parliament, (and in them from his kingdom, which they represent,) by the wicked suggestions of a few malignant persons, by whose mischievous counsels he was wholly led away from his parliament, and their faithful advices and counsels : in such a time, the lords and commons in parliament command sir John Hotham to draw in some of the trained bands of the parts adjacent to the town of Hull, for the securing that town and magazine for the service of his majesty and of the kingdom : of the safety whereof there is a higher trust reposed in them than any where else ; and they are the proper judges of the danger thereof.

- ²⁴³ " This town and magazine being intrusted to sir John Hotham, with express order not to deliver them up, but by the king's authority, signified by both houses of parliament ; his majesty, contrary to the advice and direction of both houses of parliament, without the authority of any court, or of any legal way, wherein the law appoints the king to speak and command, accompanied with the same evil council about him that he had before, by a verbal command, requires sir John Hotham to admit him into the town, that he might dispose of it, and of the magazine there, according to his own, or rather according to the pleasure of those evil counsellors, who are still in so much credit about him ; in like manner as the lord Digby had continual recourse unto and countenance from the queen's majesty in Holland ; by which means he had opportunity still to communicate his traitorous conceptions and suggestions to both their majesties ; such as those were concerning his majesty's retiring to a place of strength, and declaring himself, and his own advancing his majesty's service in such a way beyond the seas, and after that, resorting to his majesty in such a place of strength ; and divers other things of that nature, contained in his letter to the queen's majesty, and to sir Lewis Dives ; a person that had not the least part in this late business of Hull, and was presently despatched away into Holland, soon after his majesty's return from Hull ; for what purpose, they left the world to judge.

244 “ Upon the refusal of sir John Hotham to admit his majesty into Hull, presently, without any due process of law, before his majesty had sent up the narration of his fact to the parliament, he was proclaimed traitor ; and yet it was said, that therein was no violation of the subject's right, nor any breach of the law, nor of the privilege of parliament, though sir John Hotham be a member of the house of commons ; and that his majesty must have better reason than bare votes to believe the contrary ; although the votes of the lords and commons in parliament, being the great council of the kingdom, are the reason of the king and of the kingdom : yet these votes, they said, did not want clear and apparent reason for them ; for if the solemn proclaiming a man a traitor signify any thing, it puts a man, and all those that any way aid, assist, or adhere unto him, into the same condition of traitors ; and draws upon him all the consequences of treason : and if that might be done by law, without due process of law, the subject hath a [very] poor defence of the law, and a very small, if any, proportion of liberty thereby. And it is as little satisfaction to a man that shall be exposed to such penalties by that declaration of him to be a traitor, to say, he shall have a legal trial afterwards, as it is to condemn a man first, and try him afterwards. And if there could be a necessity for any such proclaiming a man a traitor, without due process of law, yet there was none in this case ; for his majesty might have as well expected the judgment of parliament, (which was the right way,) as he had leisure to send to them to demand justice against sir John Hotham. And the breach of privilege of parliament was as clear in this case as the subversion of the subject's common right : for though the privileges of parliament do not extend to those cases mentioned in the declaration of treason, felony, and breach of peace, so as to exempt the members of parliament from punishment, nor from all manner of process and trial, as it doth in other cases ; yet it doth privilege them in the way and method of their trial and punishment ; and that the parliament should have the cause first brought before them, that they may judge of the fact, and of the grounds of the accusation, and how far forth the manner of their trial may concern or not concern the privilege of parliament. Otherwise it would be in the power, not only of his majesty, but of every private man, under pretensions of treasons, or those other crimes, to take any man from his service in parliament ; and so as many one after

another as he pleaseth; and, consequently, to make a parliament what he will when he will; which would be a breach of so essential a privilege of parliament, as that the very being thereof depends upon it. And therefore they no ways doubted but every one, that had taken the protestation, would, according to his solemn vow and oath, defend it with his life and fortune. Neither did the sitting of a parliament suspend all, or any law, in maintaining that law which upholds the privilege of parliament; which upholds the parliament; which upholds the kingdom. And they were so far from believing that his majesty was the only person against whom treason could not be committed, that, in some sense, they acknowledged he was the only person against whom it could be committed; that is, as he is king: and that treason which is against the kingdom is more against the king, than that which is against his person; because he is king: for that very treason is not treason, as it is against him as a man, but as a man that is a king, and as he hath relation to the kingdom, and stands as a person intrusted with the kingdom, and discharging that trust.

- 245 “Now, they said, the case was truly stated, and all the world might judge where the fault was; although they must avow, that there could be no competent judge of this or any the like case, but a parliament. And they were as confident, that his majesty should never have cause to resort to any other court, or course, for the vindication of his just privileges, and for the recovery and maintenance of his known and undoubted rights, if there should be any invasion or violation thereof, than to his high court of parliament: and in case those wicked counsellors about him should drive him into any other course from and against his parliament, whatever his majesty's expressions and intentions were, they should appeal to all men's consciences; and desire, that they would lay their hands upon their hearts, and think with themselves, whether such persons, as had of late, and still did resort unto his majesty, and had his ear and favour most, either had been or were more zealous assertors of the true protestant profession, (although they believed they were more earnest in the protestant profession than in the protestant religion,) or of the law of the land, the liberty of the subject, and the privileges of the parliament, than the members of both houses of parliament; who were insinuated to be the deserters, if not

the destroyers of them: and whether, if they could master this parliament by force, they would not hold up the same power to deprive us of all parliaments; which are the ground and pillar of the subject's liberty, and that which only maketh England a free monarchy.

246 “For the order of assistance to the committee of both houses, as they had no directions or [instructions], but what had the law for their limits, and the safety of the land for their ends, so they doubted not but all persons mentioned in that order, and all his majesty's good subjects, would yield obedience to his majesty's authority, signified therein by both houses of parliament. And that all men might the better know their duty in matters of that nature, and upon how sure a ground they go that follow the judgment of parliament for their guide, they wished them judiciously to consider the true meaning and ground of that statute made in the eleventh year of king Hen. VII. ch. 1. which was printed at large in the end of his majesty's message of the fourth of May: that statute provides, *that none who shall attend upon the king, and do him true service, should be attainted, or forfeit any thing.* What was the scope of that statute? To provide that men should not suffer as traitors, for serving the king in his wars according to the duty of their allegiance? If this had been all, it had been a very needless and ridiculous statute. Was it then intended, (as they seemed to take the meaning of it to be that caused it to be printed after his majesty's message,) that they should be free from all crime and penalty that should follow the king, and serve him in war in any case whatsoever; whether it were for or against the kingdom, and the laws thereof? That could not be; for that could not stand with the duty of their allegiance; which, in the beginning of the statute, was expressed to be *to serve the king for the time being in his wars, for the defence of him and the land*; and therefore if it be against the land, (as it cannot be understood to be otherwise if it be against the parliament, the representative body of the kingdom,) it is a declining from the duty of allegiance; which this statute supposeth may be done, though men should follow the king's person in the war: otherwise there had been no need of such a proviso in the end of the statute, *that none should take benefit thereby that should decline from their allegiance.* That therefore which is the principal verb in this

statute is, the [serving] of the king for the time being; which could not be meant of a Perkin Warbeck, or any that should call himself king; but such a one, as, whatever his title might prove, either in himself or in his ancestors, should be received and acknowledged for such by the kingdom; the consent whereof cannot be discerned but by parliament; the act whereof is the act of the whole kingdom, by the personal suffrage of the peers and the delegate consent of all the commons of England.

- 247 "And Henry VII., a wise king, [considering] that what was the case of Rich. III, his predecessor, might by chance of battle be his own; and that he might at once, by such a statute as this, satisfy such as had served his predecessor in his wars, and also secure those which should serve him, who might otherwise fear to serve him in the wars; lest by chance of battle that might happen to him also (if a duke of York had set up a title against him) which had happened to his predecessor, he procured this statute to be made, *that no man should be accounted a traitor for serving the king in his wars for the time being*, that is, which was for the present allowed and received by the parliament in behalf of the kingdom: and, as it is truly suggested in the preamble of the statute, it is not agreeable to reason or conscience that it should be otherwise; seeing men should be put upon an impossibility of knowing their duty, if the judgment of the highest court should not be a rule and guide to them: and if the judgment thereof should not be followed, where the question is, *who is king*, much more, *what is the best service of the king and kingdom*: and therefore those who should guide themselves by the judgment of parliament, ought, whatever happen, to be secure and free from all account and penalties, upon the grounds and equity of this very statute.

- 248 "They said, they would conclude, that although those wicked counsellors about his majesty had presumed, under his majesty's name, to put that dishonour and affront upon both houses of parliament; and to make them the countenancers of treason, enough to have dissolved all the bands and sinews of confidence between his majesty and his parliament, (of whom the maxim of the law is, *that a dishonourable thing ought not to be imagined of them*,) yet they doubted not, but it should, in the end, appear to all the world, that their endeavours had been most hearty and sincere, for the maintenance of the true protestant religion,

the king's just prerogative, the laws and liberties of the land, and the privileges of parliament: in which endeavours, by the grace of God, they would still persist, though they should perish in the work; which if it should be, it was much to be feared that religion, laws, liberties, and parliaments, would not be long lived after them."

249 This declaration wrought more upon the minds of men than all that they had done; for the business at Hull was by very many thought to be done before projected; and the argument of the militia to be entered upon at first in passion, and afterwards pursued with that vehemence, insensibly, by being engaged; and that both extravagances had so much weighed down the king's trespasses in coming to the house and accusing the members, that a reasonable agreement would have been the sooner consented to on all hands. But when by this declaration they saw foundations laid, upon which not only what had been already done would be well justified, but whatsoever they should hereafter find convenient to second what was already done; and that not only the king, but the regal power, was either suppressed or deposited in other hands; the irregularity and monstrousness of which principles found little opposition or resistance, even for the irregularity and monstrousness: very many thought it as unsafe to be present at those consultations, as to consent to the conclusions; and so great numbers of the members of both houses absented themselves; and many, especially of the house of peers, resorted to his majesty at York. So that in the debates of the highest consequence there were not usually present in the house of commons the fifth part of their just numbers; and very often, not above a dozen or thirteen in the house of peers. In the mean time the king had a full court, and received all comers with great clemency and grace; calling always all the peers to

council, and communicating with them all such declarations he thought fit to publish in answer to those of the parliament; and all messages, and whatever else was necessary to be done for the improvement of his condition: and, having now the great seal with him, issued such proclamations as were seasonable for the preservation of the peace of the kingdom. First he published a declaration in answer to that of the nineteenth of May, in which his majesty said:

250 “ That if he could be weary of taking any pains for the satisfaction of his people, and to undeceive them of those specious, mischievous infusions, which were daily instilled into them, to shake and corrupt their loyalty and affection to his majesty and his government, after so full and ample declaration of himself and intentions, and so fair and satisfactory answers to all such matters as had been objected to him, by a major part present of both houses of parliament, he might well give over that labour of his pen, and sit still, till it should please God to enlighten the affections and understandings of his good subjects on his behalf, (which he doubted not but that in his good time he would do,) that they might see his sufferings were their sufferings: but since, instead of applying themselves to the method proposed by his majesty, of making such solid particular propositions as might establish a good understanding between them, or of following the advice of his council of Scotland, (with whom they communicated their affairs,) in forbearing all means that might make the breach wider and the wound deeper, they had chosen to pursue his majesty with new reproaches, or rather to continue and improve the old, by adding, and varying little circumstances and language in matters formerly urged by them, and fully answered by his majesty, he had prevailed with himself, upon very mature and particular consideration of it, to answer the late printed book, entitled *a Declaration or Remonstrance of the Lords and Commons*, which was ordered, the nineteenth of May last, to be printed and published; hoping then, that they would put his majesty to no more of that trouble, but that that should have been the last of such a nature they would have communicated to his

people; and that they would not, as they had done since, have thought fit to assault him with a newer declaration, indeed of a very new nature and learning; which should have another answer: and he doubted not, but that his good subjects would in short time be so well instructed in the differences and mistakings between them, that they would plainly discern, without resigning their reason and understanding to his prerogative, or the infallibility of a now major part of both houses of parliament, (infected by a few malignant spirits,) where the fault was.

251 “His majesty said, though he should with all humility and alacrity be always forward to acknowledge the infinite mercy and providence of Almighty God, vouchsafed so many several ways to himself and this nation; yet, since God himself doth not allow that we should fancy and create dangers to ourselves, that we might manifest and publish his mercy in our deliverance; he must profess, that he did not know those deliverances, mentioned in the beginning of that declaration, from so many wicked plots and designs, since the beginning of this parliament, which, if they had taken effect, would have brought ruin and destruction upon this kingdom. His majesty well knew the great labour and skill which had been used to amuse and affright his good subjects with fears and apprehensions of plots and conspiracies; the several pamphlets published, and letters scattered up and down, full of such ridiculous, contemptible animadversions to that purpose, as (though they found, for what end God knows, very unusual countenance) no sober man would be moved with them. But, he must confess, he had never been able to inform himself of any such pernicious, formed design against the peace of the kingdom, since the beginning of this parliament, as was mentioned in that declaration, or which might be any warrant to those great fears both houses of parliament seemed to be transported with; but he had great reason to believe, that more mischief and danger had been raised and begotten, to the disturbance of the kingdom, than cured or prevented, by those fears and jealousies. And therefore, however the rumour and discourse of plots and conspiracies might have been necessary to the designs of particular men, they should do well not to pay any false devotions to Almighty God, who discerns whether our dangers are real or pretended.

252 "For the bringing up of the army to London, as his majesty had heretofore, by no other direction than the testimony of a good conscience, called God to witness, that he never had or knew of any such resolution; so he said, upon the view of the depositions now published with that declaration, it was not evident to his majesty, that there was ever such a design; unless every loose discourse or argument be evidence enough of a design; and it was apparent, that what had been said of it was near three months before the discovery to both houses of parliament; so that if there were any danger threatened that way, it vanished without any resistance or prevention by the wisdom, power, or authority of them.

253 "It seemed the intention of that declaration, whatsoever other end it had, was to answer a declaration they had received from his majesty, in answer to that which was presented to his majesty at Newmarket, the ninth of March last; and likewise to his answer to the petition of both houses, presented to him at York, the twenty-sixth of March: but, before it fell upon any particular of his majesty's declaration or answer, it complained that the heads of the malignant party had, with much art and industry, advised him to suffer divers unjust scandals and imputations upon the parliament to be published in his name, whereby they might make it odious to the people, and, by their help, destroy it: but not instancing in any one scandal or imputation so published by his majesty, he was, he said, still to seek for the heads of that malignant party. But his good subjects would easily understand, that if he were guilty of that aspersion, he must not only be active in raising the scandal, but passive in the mischief begotten by that scandal, his majesty being an essential part of the parliament; and he hoped the just defence of himself and his authority, and the necessary vindication of his innocence and justice, from the imputations laid on him by a major part then present of either or both houses, should no more be called a scandal upon the parliament, than the opinion of such a part be reputed an act of parliament: and he hoped his good subjects would not be long misled by that common expression in all the declarations, wherein they usurp the word parliament, and apply it to countenance any resolution or vote some few had a mind to make, by calling it the resolution of parliament; which could never be without his majesty's

consent ; neither could the vote of either or both houses make a greater alteration in the laws of the kingdom, (so solemnly made by the advice of their predecessors, with the concurrence of his majesty and his ancestors,) either by commanding or inhibiting any thing, (besides the known rule of the law,) than his single direction or mandate could do, to which he did not ascribe that authority.

254 “ But that declaration informed the people, that the malignant party had drawn his majesty into the northern parts, far from his parliament. It might, his majesty said, more truly and properly have said, that it had driven, than drawn him thither ; for, he confessed, his journey thither (for which he had no other reason to be sorry than with reference to the cause of it) was only forced upon him by the true malignant party ; which contrived and countenanced those barbarous tumults, and other seditious circumstances, of which he had so often complained, and hereafter should say more ; and which indeed threatened so much danger to his person, and laid so much scandal upon the privilege and dignity of parliament, that he wondered it could be mentioned without blushes or indignation : but of that anon : but why the malignant party should be charged with causing a press to be transported to York, his majesty said, he could not imagine ; neither had any papers or writings issued from thence, to his knowledge, but what had been extorted from him by such provocations as had not been before offered to a king. And, no doubt, it would appear a most trivial and fond exception, when all presses were open to vent whatsoever they thought fit to say to the people, (a thing unwarranted by former custom,) that his majesty should not make use of all lawful means to publish his just and necessary answers thereunto. As for the authority of the great seal, (though he did not know that it had been necessary to things of that nature,) the same should be more frequently used hereafter, as occasion should require ; to which he made no doubt, but the greater and better part of his privy council would concur ; and whose advice he was resolved to follow, as far as it should be agreeable to the good and welfare of the kingdom.

255 “ Before that declaration vouchsafed to insist on any particulars, it was pleased to censure both his majesty's declaration and answer to be filled with harsh censures, and causeless

charges upon [the parliament,] (still misapplying the word parliament to the vote of both houses,) concerning which they resolve to give satisfaction to the kingdom, since they found it very difficult to satisfy his majesty. If, as in the usage of the word parliament they had left his majesty out of their thoughts, so by the word kingdom they intended to exclude all his people who were not within their walls, (for that was grown another phrase of the time, the vote of the major part of both houses, and sometimes of one, was now called the resolution of the whole kingdom,) his majesty believed it might not be hard to give satisfaction to themselves; otherwise he was confident, (and, he said, his confidence proceeded from the uprightness of his own conscience,) they would never be able so to sever the affections of his majesty and his kingdom, that what could not be satisfaction to the one should be to the other: neither would the style of humble and faithful, and telling his majesty that they will make his majesty a great and glorious king, in their petitions and remonstrances, so deceive his good subjects, that they would pass over the reproaches, threats, and menaces they were stuffed with; which surely could not be more gently reprehended by his majesty, than by saying, their expressions were different from the usual language to princes; which that declaration told him he had no occasion to say: but he believed, whosoever looked over that declaration presented to him at Newmarket, to which his was an answer, would find the language throughout it to be so unusual, that, before this parliament, it could never be paralleled; whilst, under pretence of justifying their fears, they gave so much countenance to the discourse of the rebels of Ireland, as if they had a mind his good subjects should give credit to it: otherwise, being warranted by the same evidence, which they have since published, [they would have as well declared,] that those rebels publicly threaten the rooting out the name of the English, and that they will have a king of their own, and no longer be governed by his majesty, as that they say, that they do nothing but by his majesty's authority; and that they call themselves the queen's army. And therefore he had great reason to complain of the absence of justice and integrity in that declaration; besides the unfitness of other expressions.

256 "Neither did his majesty mistake the substance or logic of

their message to him at Theobalds concerning the militia ; which was no other, and was stated to be no other, even by that declaration that reproved him, than a plain threat, that if his majesty refused to join with them, they would make a law without his majesty : nor had the practice since that time been other ; which would never be justified to the most ordinary (if not partial) understandings, by the mere averring it to be according to the fundamental laws of this kingdom, without giving any directions, that the most cunning and learned men in the laws might be able to find those foundations. And he would appeal unto all the world, whether they might not, with as much justice, and by as much law, have seized upon the estate of every member of both houses, who dissented from that pretended ordinance, (which much the major part of the house of peers did, two or three several times,) as they had invaded that power of his over the militia, because he, upon reasons they had not so much as pretended to answer, refused to consent to that proposition.

257 “ And if no better effects than loss of time and hinderance of the public affairs had been found by his answers and replies, all good men might judge by whose default and whose want of duty such effects had been ; for as his end, indeed his only end, in those answers and replies, had been the settlement and composure of public affairs ; so he was assured, and most men did believe, that if that due regard and reverence had been given to his words, and that consent and obedience to his counsels, which he expected, there had been, before that time, a cheerful calm upon the face of the whole kingdom ; every man enjoying his own, with all possible peace and security that can be imagined ; which surely those men did not desire, who (after all those acts of justice and favour passed by him this parliament ; all those sufferings and affronts endured and undergone by him) thought fit still to reproach him with ship-money, coat and conduct-money, and other things so abundantly declared, as that declaration itself confessed, in the general remonstrance of the state of the kingdom published in November last ; which his majesty wondered to find now avowed to be the remonstrance of both houses ; and which, he was sure, was presented to him only by the house of commons ; and did never, and, he was confident, in that time could never have passed the house of peers ; the concurrence and authority of which was not then thought necessary.

Should his majesty believe those reproaches to be the voice of the kingdom of England, that all his loving subjects eased, refreshed, strengthened, and abundantly satisfied with his acts of grace and favour towards them, were willing to be involved in those unthankful expressions? He would appeal to the thanks and acknowledgments published in the petitions of most of the counties of England; to the testimony and thanks he had received from both houses of parliament; how seasonable, how agreeable that usage was to his majesty's merit, or their former expressions.

258 " His majesty said, he had not at all swerved or departed from his resolutions or words in the beginning of this parliament; he had said, he was resolved to put himself freely and clearly upon the love and affection of his English subjects; and he said so still, as far as concerns England. And he called Almighty God to witness, all his complaints and jealousies, which had never been causeless, nor of his houses of parliament, (but of some few schismatical, factious, and ambitious spirits; and upon grounds, as he feared, a short time would justify to the world,) his denial of the militia, his absenting himself from London, had been the effects of an upright and faithful affection to his English subjects; that he might be able, through all the inconveniences he might be compelled to wrestle with, at last to preserve and restore their religion, laws, and liberties unto them.

259 " Since the proceeding against the lord Kimbolton and the five members was still looked upon, and so often pressed, as so great an advantage against his majesty, that no retractation made by him, nor no action since that time committed against him and the law of the land, under the pretence of vindication of privilege, could satisfy the contrivers of that declaration, but that they would have his good subjects believe the accusation of those [six] members must be a plot for the breaking the neck of the parliament, (a strange arrogance, if any of those members had the penning of that declaration,) and that it was so often urged against him, as if by that single, casual mistake of his, in form only, he had forfeited all duty, credit, and allegiance from his people, he said, he would, without endeavouring to excuse that, which in truth was an error, (his going to the house of commons,) give his people a full and clear narration of the

matter of fact ; assuring himself that his good subjects would not find his carriage in that business such as had been reported.

260 “ His majesty said, that when he resolved, upon such grounds, as, when they should be published, would satisfy the world, that it was fit for his own safety and honour, and the peace of the kingdom, to proceed against those persons ; though he well knew there was no degree of privilege in that case ; yet, to shew his desire of correspondence with the two houses of parliament, he chose, rather than to apprehend their persons by the ordinary ministers of justice, (which according to the opinion and practice of former times he might have done,) to command his attorney general to acquaint his house of peers with his intention, and the general matters of his charge, (which was yet more particular than a mere accusation,) and to proceed accordingly ; and at the same time sent a sworn servant, a sergeant at arms, to the house of commons, to acquaint them that his majesty did accuse and intended to prosecute the five members of that house for high treason, and did require that their persons might be secured in custody. This he did, not only to shew that he intended not to violate or invade their privileges, but to use more ceremony towards them than he then conceived in justice might be required of him ; and expected at least such an answer as might inform him if he were out of the way ; but he received none at all ; only, in the instant, without offering any thing of their privileges to his consideration, an order was made, and the same night published in print, that if any person whatsoever should offer to arrest the person of any member of that house, without first acquainting that house therewith, and receiving further order from that house, that it should be lawful for such member, or any person, to assist them, and to stand upon his or their guard of defence ; and to make resistance, according to the protestation taken to defend the privileges of parliament : and this was the first time that he heard the protestation might be wrested to such a sense, or that in any case, though of the most undoubted and unquestionable privilege, it might be lawful for any person to resist, and use violence against a public minister of justice, armed with lawful authority ; though his majesty well knew that even such a minister might be punished for executing such authority.

261 “ Upon viewing that order, his majesty confessed he was

somewhat amazed, having never seen or heard of the like; though he had known members of either house committed, without so much formality as he had used, and upon crimes of a far inferior nature to those he had suggested; and having no course proposed to him for his proceeding, he was upon the matter only told, that against those persons he was not to proceed at all; that they were above his reach, or the reach of the law. It was not easy for him to resolve what to do: if he employed his ministers of justice in the usual way for their apprehension, who without doubt would not have refused to have executed his lawful commands, he saw what opposition and resistance was like to be made; which very probably might have cost some blood: if he sat still, and desisted upon that terror, he should, at the best, have confessed his own want of power, and the weakness of the law. In that strait, he put on a sudden resolution, to try whether his own presence, and a clear discovery of his intentions, which haply might not have been so well understood, could remove those doubts, and prevent those inconveniences, which seemed to have been threatened; and thereupon he resolved to go in his own person to the house of commons; which he discovered not, till the very minute of his going; when he sent out, that his servants, and such gentlemen as were then in his court, should attend him to Westminster; but giving them express command, as he had expressed in his answer to the ordinance, that no accidents or provocation should draw them to any such action as might imply a purpose of force in his majesty; and himself, requiring those of his train not to come within the door, went into the house of commons; the bare doing of which he did not then conceive would have been thought more a breach of privilege, than if he had gone to the house of peers, and sent for them to come to him: which was the usual custom.

262 “ He used the best expressions he could, to assure them how far he was from any intention of violating their privileges; that he intended to proceed legally and speedily against the persons he had accused; and desired therefore, if they were in the house, that they might be delivered to him; or if absent, that such course might be taken for their forthcoming, as might satisfy his just demands; and so he departed, having no other purpose of force, if they had been in the house, than he had

before protested, before God, in his answer to the ordinance. They had an account now of his part of that story fully; his people might judge freely of it. What followed on their part, (though that declaration said, it could not withdraw any part of their reverence and obedience from his majesty; it might be any part of theirs it did not,) he should have too much cause hereafter to inform the world.

263 “His majesty said, there would be no end of the discourse, and upbraiding him with evil counsellors, if, upon his constant denial of knowing any, they would not vouchsafe to inform him of them; and after eight months amusing the kingdom with the expectation of the discovery of a malignant party, and of evil counsellors, they would not at last name any, nor describe them. Let the actions [and] lives of men be examined, who had contrived, counselled, actually consented to grieve and burden his people; and if such were now about his majesty, or any against whom any notorious, malicious crime could be proved, if he sheltered and protected any such, let his injustice be published to the world: but till that were done, particularly and manifestly, (for he should never conclude any man upon a bare general vote of the major part of either or both houses, till it were evident, that that major part was without passion or affection,) he must look upon the charge that declaration put on him, of cherishing and countenancing a discontented party of the kingdom against them. as a heavier and unjuster tax upon his justice and honour, than any he had or could lay upon the framers of that declaration. And now, to countenance those unhandsome expressions, whereby usually they had implied his majesty's connivance at, or want of zeal against, the rebellion of Ireland, (so odious to all good men,) they had found a new way of exprobration: that the proclamation against those bloody traitors came not out, till the beginning of January, though that rebellion broke out in October, and then, by special command from his majesty, but forty copies were appointed to be printed. His majesty said, it was well known where he was at that time, when that rebellion brake forth; in Scotland: that he immediately, from thence, recommended the care of that business to both houses of parliament here, after he had provided for all fitting supplies from his kingdom of Scotland: that, after his return hither, he observed all those forms for

that service, which he was advised to by his council of Ireland, or both houses of parliament here; and if no proclamation issued out sooner, (of which, for the present, he was not certain; but thought that others, by his directions, were issued before that time,) it was, because the lords justices of the kingdom desired them no sooner; and when they did, the number they desired was but twenty; which they advised might be signed by his majesty; which he, for expedition of the service, commanded to be printed; a circumstance not required by them; thereupon he signed more of them than his justices desired; all which was very well known to some members of one or both houses of parliament; who had the more to answer, if they forbore to express it at the passing of that declaration; and if they did express it, he had the greater reason to complain, that so envious an aspersion should be cast on his majesty to his people, when they knew well how to answer their own objection.

264 "What that complaint was against the parliament, put forth in his name, which was such an evidence and countenance to the rebels, and spoke the same language of the parliament which the rebels did; he said he could not understand. All his answers and declarations had been and were owned by himself; and had been attested under his own hand: if any other had been published in his name, and without his authority, it would be easy for both houses of parliament to discover and apprehend the authors: and he wished, that whosoever was trusted with the drawing and penning that declaration had no more authority or cunning to impose upon or deceive a major part of those votes by which it passed, than any man had to prevail with his majesty to publish in his name any thing but the sense and resolution of his own heart; or that the contriver of that declaration could with as good a conscience call God to witness, that all his counsels and endeavours had been free from all private aims, personal respects or passions whatsoever, as his majesty had done, and did, that he never had or knew of such resolutions of bringing up the army to London.

265 "And since that new device was found out, instead of answering his reasons or satisfying his just demands, to blast his declarations and answers, as if they were not his own; a bold, senseless imputation; he said he was sure, that every answer and declaration, published by his majesty, was much more his

own, than any one of those bold, threatening, and reproachful petitions and remonstrances were the acts of either or both houses. And if the penner of that declaration had been careful of the trust reposed in him, he would never have denied, (and thereupon have found [fault] with his majesty's just indignation,) in the text or margent, that his majesty had never been charged with the intention of any force, and that in their whole declaration there was no one word tending to any such reproach; the contrary whereof was so evident, that his majesty was in express terms charged in that declaration, that he had sent them gracious messages, when, with his privy, bringing up the army was in agitation; and even in that declaration they sought to make the people believe some such thing to be proved in the depositions therewith published; wherein, his majesty doubted not, they would as much fail, as they did in their censure of that petition, shewed formerly to his majesty by captain Leg, and subscribed by him with C. R. which, notwithstanding his majesty's full and particular narration of the substance of that petition, the circumstances of his seeing and approving it, that declaration was pleased to say, was full of scandal to the parliament, and might have proved dangerous to the whole kingdom. If they had that dangerous petition in their hands, his majesty said, he had no reason to believe any tenderness towards him had kept them from communicating it; if they had it not, his majesty ought to have been believed: but that all good people might compute their other pretended dangers by their clear understanding of that, the noise whereof had not been inferior to any of the rest, his majesty said, he had recovered a true copy of the very petition he had signed with C. R. which should in fit time be published, and which, he hoped, would open the eyes of his good people.

266 "Concerning his warrant for Mr. Jermyn's passage, his answer was true and full; but for his black satin suit and white boots he could give no account.

267 "His majesty had complained in his declaration, and, as often as he should have occasion to mention his return, and residence near London, he should complain, of the barbarous and seditious tumults at Whitehall and Westminster; which indeed had been so full of scandal to his government and danger to his person, that he should never think of his return thither, till he had

justice for what was past, and security for the time to come: and if there were so great a necessity or desire of his return as was pretended, in all [this] time, upon so often pressing his desires, and upon causes so notorious, he should at least have procured some order for the future. But that declaration told his majesty he was, upon the matter, mistaken; the resort of the citizens to Westminster was as lawful as the resort of great numbers every day in the term to the ordinary courts of justice; they knew no tumults. Strange! was the disorderly appearance of so many thousand people, with staves and swords, crying through the streets, Westminster-hall, the passage between both houses, (insomuch as the members could hardly pass to and fro,) *No bishops, down with the bishops*, no tumults? What member was there of either house that saw not those numbers and heard not those cries? And yet lawful assemblies! Were not several members of either house assaulted, threatened, and evilly entreated? And yet no tumults! Why made the house of peers a declaration, and sent it down to the house of commons, for the suppressing of tumults, if there were no tumults? And if there were any, why was not such a declaration consented to and published? When the attempts were so visible, and threats so loud to pull down the abbey at Westminster, had not his majesty just cause to apprehend, that such people might continue their work to Whitehall? Yet no tumults! What a strange time are we in, that a few impudent, malicious (to give them no worse term) men should cast such a mist of error before the eyes of both houses of parliament, as that they either could not or would not see how manifestly they injured themselves by maintaining those visible untruths. His majesty said, he would say no more: by the help of God and the law, he would have justice for those tumults.

68 “From excepting, how weightily every man might judge, to what his majesty had said, that declaration proceeded to censure him for what he had not said; for the prudent omissions in his answer: his majesty had forborne to say any thing of the words spoken at Kensington; or the articles against his dearest consort, and the accusation of the six members: of the last, his majesty said, he had spoken often; and he thought, enough of the other two; but having never accused any, (though God

knew what truth there might be in either,) he had no reason to give any particular answer.

269 “ He said, he did not reckon himself bereaved of any part of his prerogative ; which he was pleased freely, for a time, to part with by bill ; yet he must say, he expressed a great trust in his two houses of parliament when he divested himself of the power of dissolving this parliament ; which was a just, necessary, and proper prerogative. But he was glad to hear their resolution, that it should not encourage them to do any thing which otherwise had not been fit to have been done : if it did, it would be such a breach of trust, God would require an account for at their hands.

270 “ For the militia, he had said so much in it before, and the point was so well understood by all men, that he would waste time no more in that dispute. He never had said, there was no such thing as an ordinance, though he knew that they had been long disused, but that there was never any ordinance, or could be any, without the king's consent ; and that was true : and the unnecessary precedent, cited in that declaration, did not offer to prove the contrary. But enough of that ; God and the law must determine that business.

271 “ Neither had that declaration given his majesty any satisfaction concerning the votes of the fifteenth and sixteenth of March [last] ; which he must declare, and appeal to all the world in the point, to be the greatest violation of his majesty's privilege, the law of the land, the liberty of the subject, and the right of parliament, that could be imagined. One of those votes was, and there would need no other to destroy the king and people, that when the lords and commons (it is well the commons are admitted to their part in judicature) shall declare what the law of the land is, the same must be assented to, and obeyed ; that is the sense in few words. Where is every man's property ; every man's liberty ? If the major part of both houses declare, that the law is, that the younger brother shall inherit ; what is become of all the families and estates in the kingdom ? If they declare, that, by the fundamental law of the land, such a rash action, such an unadvised word, ought to be punished by perpetual imprisonment, is not the liberty of the subject, *durante beneplacito*, remediless ? That declaration confesses, they pretend not to a power

of making new laws ; that, without his majesty, they could not do that : they needed no such power, if their declaration could suspend this statute from being obeyed and executed. If they had power to declare the lord Digby's waiting on his majesty to Hampton-court, and thence visiting some officers at Kingston, with a coach and six horses, to be levying of war, and high treason ; and sir John Hotham's defying his majesty to his face, keeping his majesty's town, fort, and goods against him, by force of arms, to be an act of affection and loyalty ; what needed a power of making new laws ? or would there be such a thing as law left ?

272 " He desired his good subjects to mark the reason and consequence of those votes ; the progress they had already made, and how infinite that progress might be. First, they voted the kingdom was in imminent danger (it was now above three months since they discerned it) from enemies abroad, and a popish and discontented party at home ; that is matter of fact ; the law follows : this vote had given them authority by law, the fundamental laws of the kingdom, to order and dispose of the militia of the kingdom : and, with this power, and to prevent that danger, to enter into his majesty's towns, seize upon his magazine, and, by force, keep both from him. Was not that his majesty's case ? First, they vote he had an intention to levy war against his parliament ; that is matter of fact : then they declare such as shall assist him to be guilty of high treason ; that is the law, and proved by two statutes themselves knew to be repealed. No matter for that ; they declare it. Upon this ground they exercise the militia ; and so actually do that upon his majesty which they had voted he intended to do upon them. Who could not see the confusion that must follow upon such a power of declaring ? If they should now vote that his majesty did not write this declaration, but that such a one did it, which was still matter of fact ; and then declare, that, for so doing, he was an enemy to the commonwealth ; what was become of the law that man was born to ? And if all their zeal for the defence of the law were but to defend that which they declared to be law, their own votes ; it would not be in their power to satisfy any man of their good intentions to the public peace, but such as was willing to relinquish his title to Magna Charta, and hold his life and fortunes by a vote of a major part of both

houses. In a word, his majesty denied not, but they might have power to declare in a particular, doubtful case, regularly brought before them, what law is: but to make a general declaration, whereby the known rule of the law might be crossed or altered, they had no power; nor could exercise any, without bringing the life and liberty of the subject to a lawless and arbitrary subjection.

273 “His majesty had complained (and the world might judge of the justice and necessity of that complaint) of the multitude of seditious pamphlets and sermons; and that declaration told him, they knew he had ways enough in his ordinary courts of justice to punish those; so, his majesty said, he had to punish tumults and riots; and yet they would not serve his turn to keep his towns, his forests, and parks from violence. And it might be, though those courts had still the power to punish, they might have lost the skill to define what tumults and riots are; otherwise a jury in Southwark, legally empaneled to examine a riot there, would not have been superseded, and the sheriff enjoined not to proceed, by virtue of an order of the house of commons; which, it seemed, at that time had the sole power of declaring. But it was no wonder that they, who could not see the tumults, did not consider the pamphlets and sermons; though the author of the *Protestation protested* were well known to be Burton, (that infamous disturber of the peace of the church and state,) and that he preached it at Westminster, in the hearing of divers members of the house of commons. But of such pamphlets and seditious preachers (divers whereof had been recommended, if not imposed upon several parishes by some members of both houses, by what authority his majesty knew not) he would hereafter take a further account.

274 “His majesty said, he confessed he had little skill in the laws; and those that had had most, he found now were much to seek: yet he could not understand or believe, that every ordinary court, or any court, had power to raise what guard they pleased, and under what command they pleased. Neither could he imagine, what dangerous effects they found by the guard he appointed them; or indeed any the least occasion why they needed a guard at all.

275 “But of all the imputations, so causelessly and unjustly laid upon his majesty by that declaration, he said, he most wondered

at that charge, so apparently and evidently untrue; that such were continually preferred and countenanced by him, who were friends or favourers, or related unto the chief authors and actors of that arbitrary power heretofore practised and complained of: and, on the other side, that such as did appear against it were daily discountenanced and disgraced. He said, he would know one person that contributed to the ills of those times, or had dependence upon those that did, whom he did, or lately had countenanced or preferred; nay he was confident, (and he looked for no other at their hands,) as they had been always most eminent assertors of the public liberties; so, if they found his majesty inclined to any thing not agreeable to honour and justice, they would leave him to-morrow. Whether different persons had not, and did not receive countenance elsewhere, and upon what grounds, all men might judge; and whether his majesty had not been forward enough to honour and prefer those of the most contrary opinion, how little comfort soever he had of those preferments, in bestowing of which, hereafter, he would be more guided by men's actions than opinions. And therefore he had good cause to bestow that admonition (for his majesty assured them, that it was an admonition of his own) upon both his houses of parliament, to take heed of inclining, under the specious shows of necessity and danger, to the exercise of such an arbitrary power they before complained of: the advice would do no harm, and he should be glad to see it followed.

276 " His majesty asked, if all the specious promises and loud professions of making him a great and a glorious king, of settling a greater revenue upon his majesty than any of his ancestors had enjoyed, of making him to be honoured at home and feared abroad, were resolved into this; that they would be ready to settle his revenue in an honourable proportion, when he should put himself in such a posture of government, that his subjects might be secure to enjoy his just protection for their religion, laws, and liberties? What posture of government they intended, he knew not; nor could he imagine what security his good subjects could desire for their religion, laws, and liberties, which he had not offered, or fully given. And was it suitable to the duty and dignity of both houses of parliament to answer his particular, weighty expressions of the causes of his remove from London, so generally known to the kingdom, with a scoff; that they hoped

he was driven from thence, not by his own fears, but by the fears of the lord Digby, and his retinue of cavaliers? Sure, his majesty said, the penner of that declaration inserted that ungrave and insolent expression, as he had done divers others, without the consent or examination of both houses; who would not so lightly have departed from their former professions of duty to his majesty.

- 277 “Whether the way to a good understanding between his majesty and his people had been as zealously pressed by them as it had been professed and desired by him, would be easily discerned by them who observed that he had left no public act undone on his part, which in the least degree might be necessary to the peace, plenty, and security of his subjects: and that they had not despatched one act, which had given the least evidence of their particular affection and kindness to his majesty; but, on the contrary, had discountenanced and hindered the testimony other men would give to him of their affections. Witness the stopping, and keeping back, the bill of subsidies, granted by the clergy almost a year since; which, though his personal wants were so notoriously known, they would not, to that time, pass; so not only forbearing to supply his majesty themselves, but keeping the love and bounty of other men from him; and afforded no other answers to all his desires, all his reasons, (indeed not to be answered,) than that he must not make his understanding or reason the rule of his government; but suffer himself to be assisted (which his majesty never denied) by his great council. He said, he required no other liberty to his will than the meanest of them did, (he wished they would always use that liberty,) not to consent to any thing evidently contrary to his conscience and understanding: and he had, and should always give as much estimation and regard to the advice and counsel of both houses of parliament as ever prince had done: but he should never, and he hoped his people would never, account the contrivance of a few factious, seditious persons, a malignant party, who would sacrifice the commonwealth to their own fury and ambition, the wisdom of parliament; and that the justifying and defending of such persons (of whom, and of their particular sinister ways to compass their own bad ends, his majesty would shortly inform the world) was not the way to preserve

parliaments, but was the opposing, and preferring a few unworthy persons, before their duty to their king, or their care of the kingdom. They would have his majesty remember, that his resolutions did concern kingdoms, and therefore not to be moulded by his own understanding: he said, he did well remember it; but he would have them remember, that when their consultations endeavoured to lessen the office and dignity of a king, they meddled with that which is not within their determination, and of which his majesty must give an account to God, and his other kingdoms, and must maintain with the sacrifice of his life.

178 “ Lastly, that declaration told the people of a present, desperate, and malicious plot the malignant party was then acting, under the plausible notions of stirring men up to a care of preserving the king’s prerogative, maintaining the discipline of the church, upholding and continuing the reverence and solemnity of God’s service, and encouraging learning, (indeed plausible and honourable notions to act any thing upon,) and that upon those grounds divers mutinous petitions had been framed in London, Kent, and other places: his majesty asked upon what grounds these men would have petitions framed? Had so many petitions, even against the form and constitution of the kingdom, and the laws established, been joyfully received and accepted? And should petitions framed upon those grounds be called mutinous? Had a multitude of mean, unknown, inconsiderable, contemptible persons, about the city and suburbs of London, had liberty to petition against the government of the church; against the Book of Common-Prayer; against the freedom and privilege of parliament; and been thanked for it; and should it be called mutiny, in the gravest and best citizens of London, in the gentry and commonalty of Kent, to frame petitions upon those grounds; and to desire to be governed by the known laws of the land, not by orders and votes of either or both houses? Could this be thought the wisdom and justice of both houses of parliament? Was it not evidently the work of a faction, within or without both houses, who deceived the trust reposed in them, and had now told his majesty what mutiny was? To stir men up to a care of preserving his prerogative, maintaining the discipline of the church, upholding and continuing the reverence and solemnity

of God's service, encouraging of learning, was mutiny. Let heaven and earth, God and man, judge between his majesty and these men: and however such petitions were there called mutinous; and the petitioners threatened, discountenanced, censured, and imprisoned; if they brought such petitions to his majesty, he would graciously receive them; and defend them and their rights, against what power soever, with the uttermost hazard of his being.

- 279 “His majesty said, he had been the longer, to his very great pain, in this answer, that he might give the world satisfaction, even in the most trivial particulars which had been objected against him; and that he might not be again reproached with any more prudent omissions. If he had been compelled to sharper language than his majesty affected, it might be considered, how vile, how insufferable his provocations had been: and, except to repel force were to assault, and to give punctual and necessary answers to rough and insolent demands were to make invectives, he was confident the world would accuse his majesty of too much mildness; and all his good subjects would think he was not well dealt with; and would judge of his majesty, and of their own happiness and security in him, by his actions; which he desired might no longer prosper, or have a blessing from God upon them and his majesty, than they should be directed to the glory of God, in the maintenance of the true protestant profession, to the preservation of the property and liberty of the subject, in the observation of the laws; and to the maintenance of the rights and freedom of parliament, in the allowance and protection of all their just privileges.”

- 280 This declaration was no sooner published, but his majesty likewise set forth an answer to that other declaration of the twenty-sixth of May; in which he said,

“That whosoever looked over the late remonstrance, entitled, *A Declaration of the Lords and Commons of the twenty-sixth of May*, would not think that his majesty had great reason to be pleased with it; yet he could not but commend the plaindealing and ingenuity of the framers and contrivers of that declaration, (which had been wrought in a hotter and quicker forge than any of the rest,) who would no longer suffer his majesty to be affronted by being told, they would make him a great and glorious king,

whilst they used all possible skill to reduce him to extreme want and indigency; and that they would make him to be loved at home and feared abroad, whilst they endeavoured, by all possible ways, to render him odious to his good subjects, and contemptible to all foreign princes; but, like round dealing men, told him in plain English that they had done him no wrong, because he was not capable of receiving any; and that they had taken nothing from him, because he had never any thing of his own to lose. If that doctrine were true, and that indeed he ought to be of no other consideration than they had informed his people in that declaration, that gentleman was much more excusable that said publicly, unreprieved, that the happiness of the kingdom did not depend on his majesty, or upon any of the royal branches of that root: and the other, who said, his majesty was not worthy to be king of England: language very monstrous to be allowed by either house of parliament; and of which, by the help of God and the law, he must have some examination. But, he doubted not, all his good subjects did now plainly discern, through the mask and vizard of their hypocrisy, what their design was; and would no more look upon the framers and contrivers of that declaration as upon both houses of parliament, (whose freedom and just privileges he would always maintain; and in whose behalf he was as much scandalized as for himself,) but as a faction of malignant, schismatical, and ambitious persons; whose design was, and always had been, to alter the whole frame of government, both of church and state; and to subject both king and people to their own lawless, arbitrary power and government: of whose persons and of whose design, his majesty said, he would within a very short time give his good subjects and the world a full, and, he hoped, a satisfactory narration.

- 181 " The contrivers and penners of that declaration (of whom his majesty would be only understood to speak, when he mentioned any of their undutiful acts against him) said, that the great affairs of the kingdom, and the miserable bleeding condition of the kingdom of Ireland, would afford them little leisure to spend their time in declarations, answers, and replies. Indeed, his majesty said, the miserable and deplorable condition of both kingdoms would require somewhat else at their hands: but he would gladly know how they had spent their time since their recess, (then almost eight months,) but in declarations, remon-

strances, and invectives against his majesty and his government; or in preparing matter for them. Had his majesty invited them to any such expense of time, by beginning arguments of that nature? Their leisure or their inclination was not as they pretended: and what was their printing and publishing their petitions to him; their declarations and remonstrances of him; their odious votes and resolutions, sometimes of one, sometimes of both houses, against his majesty, (never in that manner communicated before this parliament,) but an appeal to the people? And, in God's name, let them judge of the persons they had trusted.

282 “ Their first quarrel was (as it was always, to let them into their frank expressions of his majesty and his actions) against the malignant party, whom they were pleased still to call, and never to prove to be, his evil counsellors. But indeed nothing was more evident by their whole proceedings, than that by the malignant party they intended all the members of both houses who agreed not with them in their opinion, (thence had come their distinction of good and bad lords; of persons ill affected of the house of commons; who had been proscribed, and their names listed, and read in tumults,) and all the persons of the kingdom who approve not of their actions. So that if in truth they would be ingenuous, and name the persons they intended, who would be the men upon whom the imputation of malignity would be cast, but they who had stood stoutly and immutably for the religion, the liberties, the laws, for all public interest; (so long as there was any to be stood for;) they, who had always been, and still were, as zealous professors, and some of them as able and earnest defenders of the protestant doctrine against the church of Rome, as any were; who had often and earnestly besought his majesty to consent, that no indifferent and unnecessary ceremony might be pressed upon weak and tender consciences, and that he would agree to a bill for that purpose? They to whose wisdom, courage, and counsel, the kingdom owed as much as it could to subjects; and upon whose unblemished lives envy itself could lay no imputation, nor endeavoured to lay any, until their virtues brought them to his majesty's knowledge and favour? His majesty said, if the contrivers of that declaration would be faithful to themselves, and consider all those persons of both houses whom they in their

own consciences knew to dissent from them in the matter and language of that declaration, and in all those undutiful actions of which he complained, they would be found in honour, fortune, wisdom, reputation, and weight, if not in number, much superior to them. So much for the evil counsellors.

283 "Then what was the evil counsel itself? His majesty's coming from London (where he, and many, whose affections to him were very eminent, were in danger every day to be torn in pieces) to York; where his majesty, and all such as would put themselves under his protection, might live, he thanked God and the loyalty and affection of that good people, very securely: his not submitting himself absolutely (and renouncing his own understanding) to the votes and resolutions of the contrivers of that declaration, when they told his majesty that they were above him; and might, by his own authority, do with his majesty what they pleased: and his not being contented, that all his good subjects' lives and fortunes should be disposed of by their votes, but by the known law of the land. This was the evil counsel given and taken: and would not all men believe there needed much power and skill of the malignant party to infuse that counsel into him? And then, to apply the argument the contrivers of that declaration made for themselves, was it probable, or possible, that such men, whom his majesty had mentioned, (who must have so great a share in the misery,) should take such pains in the procuring thereof; and spend so much time, and run so many hazards, to make themselves slaves, and to ruin the freedom of this nation?

➡ "His majesty said, (with a clear and upright conscience to God Almighty,) whosoever harboured the least thought in his breast of ruining or violating the public liberty or religion of the kingdom, or the just freedom and privilege of parliament, let him be accursed; and he should be no counsellor of his that would not say *Amen*. For the contrivers of that declaration, he had not said any thing which might imply any inclination in them to be slaves. That which he had charged them, was with invading the public liberty; and his presumption might be very strong and vehement, that, though they had no mind to be slaves, they were not unwilling to be tyrants: what is tyranny, but to admit no rules to govern by but their own wills? And they knew the misery of Athens was at the highest when it suffered under the thirty tyrants.

285 “ His majesty said, if that declaration had told him, (as indeed it might, and as in justice it ought to have done,) that the precedents of any of his ancestors did fall short and much below what had been done by him this parliament in point of grace and favour to his people, he should no otherwise have wondered at it, than at such a truth in such a place. But when, to justify their having done more than ever their predecessors did, it told his good subjects, (as most injuriously and insolently it did,) that the highest and most unwarrantable precedents of any of his predecessors did fall short and much below what had been done to them this parliament by him, he must confess himself amazed, and not able to understand them; and he must tell those ungrateful men, (who durst tell their king, that they might, without want of modesty and duty, depose him,) that the condition of his subjects, when, by whatsoever accidents and conjunctures of time, it was at worst under his power, unto which, by no default of his, they should be ever again reduced, was, by many degrees, more pleasant and happy, than that to which their furious pretence of reformation had brought them. Neither was his majesty afraid of the highest precedents of other parliaments, which those men boldly (his good subjects would call it worse) told him they might, without want of modesty and duty, make their patterns. If he had no other security against those precedents but their modesty and duty, he was in a miserable condition, as all persons would be who depended upon them.

286 “ That declaration would not allow his inference, that, by avowing the act of sir John Hotham, they did destroy the title and interest of all his subjects to their lands and goods; but confessed, if they were found guilty of that charge, it were indeed a very great crime. And did they not, in that declaration, admit themselves guilty of that very crime? Did they not say, Who doubts but that a parliament may dispose of any thing wherein his majesty or his subjects had a right, in such a way as that the kingdom might not be in danger thereby? Did they not then call themselves this parliament, and challenge that power without his consent? Did they not extend that power to all cases where the necessity or common good of the kingdom was concerned? And did they not arrogate to themselves alone the judgment of that danger, that necessity, and that common

good of the kingdom? What was, if that were not, to unsettle the security of all men's estates, and to expose them to an arbitrary power of their own? If a faction should at any time, by cunning or force or absence or accident, prevail over a major part of both houses, and pretend that there were evil counsellors, a malignant party about the king, by whom the religion and liberty of the kingdom were both in danger, (this they might do, they had done it then,) they might take away, be it from the king or people, whatsoever they in their judgments should think fit. This was lawful; they had declared it so: let the world judge whether his majesty had charged them unjustly; and whether they were not guilty of the crime which themselves confessed (being proved) was a great one; and how safely his majesty might commit the power those people desired into their hands, who in all probability would be no sooner possessed of it, than they would revive that tragedy which Mr. Hooker related of the anabaptists in Germany; who, talking of nothing but faith, and of the true fear of God, and that riches and honour were vanity; at first, upon the great opinion of their humility, zeal, and devotion, procured much reverence and estimation with the people; after, finding how many persons they had ensnared with their hypocrisy, they began to propose to themselves to reform both the ecclesiastical and civil government of the state: then, because possibly they might meet with some opposition, they secretly entered into a league of association; and shortly after, finding the power they had gotten with the credulous people, enriched themselves with all kind of spoil and pillage; and justified themselves upon our Saviour's promise, *The meek shall inherit the earth*; and declared their title [was] the same which the righteous Israelites had to the goods of the wicked Egyptians: his majesty said, this story was worth the reading at large, and needed no application.

- 187 "But his majesty might by no means say, that he had the same title to his town of Hull, and the ammunition there, as any of his subjects had to their land or money: that was a principle that pulled up the foundation of the liberty and property of every subject. Why? Because the king's property in his towns, and in his goods bought with the public money, as they conceive his magazine at Hull to be, was inconsistent with the subjects' property in their lands, goods, and liberty. Did

these men think, that as they assumed a power of declaring law, (and whatsoever contradicted that declaration broke their privileges,) so that they had a power of declaring sense and reason, and imposing logic and syllogisms on the schools, as well as law upon the people? Did not all mankind know that several men might have [several] rights and interests in the selfsame house and land, and yet neither destroy the other? Was not the interest of the lord paramount consistent with that of the mesne lord; and his with that of the tenant; and yet their properties or interests not at all confounded? And why might not his majesty then have a full, lawful interest and property in his town of Hull, and yet his subjects have a property in their houses too? But he could not sell or give away at his pleasure this town and fort, as a private man might do his lands or goods. What then? Many men have no authority to let or set their leases, or sell their land; have they therefore no title to them or interest in them? May they be taken from them because they cannot sell them? He said, the purpose of his journey to Hull was neither to sell it or give it away.

288 “But for the magazine, the munition there, that he bought with his own money, he might surely have sold that, lent, or given it away. No; he bought it with the public money, and the proof is, they conceive it so; and upon that conceit had voted that it should be taken from him. Excellent justice! Suppose his majesty had kept that money by him, and not bought arms with it, would they have taken it from him upon that conceit: nay, might they not, wheresoever that money was, (for through how many hands soever it hath passed, it is the public money still, if ever it were,) seize it, and take it from the owners? But the towns, forts, magazine, and kingdom, is intrusted to his majesty; and he is a person trusted. His majesty said, he was so; God, and the law, had trusted him; and he had taken an oath to discharge that trust for the good and safety of the people. What oaths they had taken, he knew not, unless those, which, in that violence, they had manifestly maliciously violated. Might any thing be taken from a man because he is trusted with it? Nay, may the person himself take away the thing he trusts, when he will, and in what manner he will? The law had been otherwise, and, he believed, would be so held, notwithstanding their declarations.

89 " But that trust ought to be managed by their advice, and the kingdom had trusted them for that purpose. Impossible, that the same trust should be irrecoverably committed to his majesty and his heirs for ever, and the same trust, and a power above that trust, (for so was the power they pretended,) be committed to others. Did not the people that sent them look upon them as a body but temporary, and dissoluble at his majesty's pleasure? And could it be believed, that they intended them for his guardians and controllers in the managing of that trust, which God and the law had granted to him and to his posterity for ever? What the extent of the commission and trust was, nothing could better teach them than the writ whereby they are met. His majesty said, he called them (and without that call they could not have come together) to be his counsellors, not commanders, (for, however they frequently confounded them, the offices were several,) and counsellors not in all things, but in some things, *de quibusdam arduis, &c.* And they would easily find amongst their precedents, [that] queen Elizabeth, upon whose time all good men looked with reverence, committed one Wentworth, a member of the house of commons, to the Tower, sitting the house, but for proposing that they might advise the queen in a matter she thought they had nothing to do to meddle in. But his majesty is trusted: and is he the only person trusted? And might they do what their own inclination and fury led them to? Were they not trusted by his majesty, when he first sent for them; and were they not trusted by him, when he passed them his promise that he would not dissolve them? Could it be presumed, (and presumptions go far with them,) that he trusted them with a power to destroy himself, and to dissolve his government and authority? If the people might be allowed to make an equitable construction of the laws and statutes, a doctrine avowed by them, would not all his good subjects swear, he never intended by that act of continuance, that they should do what they have since done? Were they not trusted by those that sent them? And were they trusted to alter the government of church and state; and to make themselves perpetual dictators over the king and people? Did they intend that the law itself should be subject to their votes; and that whatsoever they said or did should be lawful, because they declared it so? The oaths they had taken who

sent them, and without taking which, themselves were not capable of their place in parliament, made the one incapable of giving, and the other of receiving such a trust; unless they would persuade his good subjects, that his majesty is the only supreme head and governor in all causes and over all persons within his dominions; and yet that they had a power over him to constrain him to manage his trust and govern his power according to their discretion.

290 “The contrivers of that declaration told his majesty, that they would never allow him (an humble and dutiful expression) to be judge of the law; that belonged only to them; they might and must judge and declare. His majesty said, they all knew what power the pope, under the pretence of interpreting scriptures, and declaring articles of faith, though he decline the making the one or the other, had usurped over men's consciences; and that, under colour of having power of ordering all things for the good of men's souls, he entitles himself to all the kingdoms of the world: he would not accuse the framers of that declaration, (how bold soever they were with his majesty,) that they inclined to popery, of which another maxim was, that all men must submit their reason and understanding, and the scripture itself, to that declaring power of his: neither would he tell them, though they had told him so, that they use the very language of the rebels of Ireland: and yet they say those rebels declare, that whatsoever they do is for the good of the king and kingdom. But [his] good subjects would easily put the case to themselves, whether if the papists in Ireland in [truth] were, or, by art or accident, had made themselves the major part of both houses of parliament there; and had pretended the trust in that declaration from the kingdom of Ireland; thereupon had voted their religion and liberty to be in danger of extirpation from a malignant party of protestants and puritans; and therefore, that they would put themselves into a posture of defence; that the forts and the militia of that kingdom were to be put into the hands of such persons as they could confide in; that his majesty was indeed trusted with the towns, forts, magazines, treasures, offices, and people of the kingdom, for the good, safety, and best advantage thereof; but as his trust is for the use of the kingdom, so it ought to be managed by the advice of both houses of parliament, whom the

kingdom had trusted for that purpose, it being their duty to see it discharged according to the condition and true intent thereof, and by all possible means to prevent the contrary: his majesty said, let all his good subjects consider, if that rebellion had been plotted with all that formality, and those circumstances declared to be legal, at least, according to the equitable sense of the law, and to be for the public good, and justifiable by necessity, of which they were the only judges, whether, though they might have thought their design to be more cunning, they would believe it the more justifiable.

291 “ Nay, let the framers of that declaration ask themselves, if the evil counsellors, the malignant party, the persons ill affected, the popish lords and their adherents, should prove now or hereafter to be a major part of both houses, (for it had been declared that a great part of both houses had been such, and so might have been the greater; nay, the greater part of the house of peers was still declared to be such, and [his majesty] had not heard of any of their conversion; and thereupon it had been earnestly pressed, that the major part of the lords might join with the major part of the house of commons,) [would] his majesty [be] bound to consent to all [such] alterations as those men should propose to him, and resolve to be for the public good: and should the liberty, property, and security of all his subjects depend on what such votes should declare to be law? Was the order of the militia unfit and unlawful whilst the major part of the lords refused to join in it, (as they had done two or three several times, and it was never heard, before this parliament, that they should be so, and so often pressed after a dissent declared,) and did it grow immediately necessary for the public safety, and lawful by the law of the land, as soon as so many of the dissenting peers were driven away, (after their names had been required at the bar, contrary to the freedom and foundation of parliaments,) that the other opinion prevailed? Did the life and liberty of the subject depend upon such accidents of days and hours that it was impossible for him to know his right in either? God forbid.

292 “ But now, to justify their invasion of his majesty’s ancient, unquestioned, undoubted right, settled and established on his majesty and his posterity by God himself; confirmed and strengthened by all possible titles of compact, laws, oaths, perpetual and

uncontradicted custom, by his people ; what had they alleged to declare to the kingdom, as they say, the obligation that lieth upon the kings of this realm to pass all such bills as are offered unto them by both houses of parliament ? A thing never heard of till that day : an oath, (authority enough for them to break all theirs,) that is or ought to be taken by the kings of this realm, which is as well to remedy by law such inconveniences the king may suffer, as to keep and protect the laws already in being : and the form of this oath, they said, did appear upon a record there cited ; and by a clause in the preamble of a statute made in the 25th year of Edw. III.

- 293 “ His majesty said, he was not enough acquainted with records to know whether that were fully and ingenuously cited ; and when, and how, and why, the several clauses had been inserted, or taken out of the oaths formerly administered to the kings of this realm : yet he could not possibly imagine the assertion that declaration made could be deduced from the words or the matter of that oath : for unless they had a power of declaring Latin as well as law, sure *elegerit* signified *hath chosen*, as well as *will choose* ; and that it signified so there, (besides the authority of the perpetual practice of all succeeding ages ; a better interpreter than their votes,) it was evident, by the reference it had to customs, *consuetudines quas vulgus elegerit* : and could that be a custom which the people should choose after this oath taken ? And should a king be sworn to defend such customs ? Besides, could it be imagined, that he should be bound by oath to pass such laws, (and such a law was the bill they brought to him of the militia,) as should put the power wherewith he was trusted out of himself into the hands of other men ; and divest and disable himself of all possible power to perform the great business of the oath ; which was to protect them ? If his majesty gave away all his power, or if it were taken from him, he could not protect any man : and what discharge would it be for his majesty, either before God or man, when his good subjects, whom God and the law had committed to his charge, should be worried and spoiled, to say that he trusted others to protect them, that is, to do that duty for him which was essentially and inseparably his own. But that all his good subjects might see how faithfully these men, who assumed this trust from them, desired to discharge their trust ; he would be contented to publish, for their satisfaction,

(a matter notorious enough, but what he himself never thought to have been put to publish, and of which the framers of that declaration might as well have made use, as of a [Latin] record they knew many of his good subjects could not, and many of themselves did not understand,) the oath itself he took at his coronation, warranted and enjoined to it by the customs and directions of his predecessors; and the ceremony of their and his taking it; they might find it in the records of the exchequer; this it is :

294 *The sermon being done, the archbishop goeth to the king, and asks his willingness to take the oath usually taken by his predecessors :*

295 *The king sheweth himself willing, ariseth and goeth to the altar ; the archbishop administereth these questions, and the king answers them severally :*

296 Episcopus. *Sir, will you grant and keep, and by your oath confirm to the people of England, the laws and customs to them granted by the kings of England, your lawful and religious predecessors : and namely the laws, customs, and franchises granted to the clergy, by the glorious king saint Edward, your predecessor, according to the laws of God, the true profession of the gospel established in this kingdom, and agreeable to the prerogative of the kings thereof, and the ancient customs of this realm ?*

Rex. *I grant, and promise to keep them.*

297 Episc. *Sir, will you keep peace, and godly agreement entirely, (according to your power,) both to God, the holy church, the clergy, and the people ?*

Rex. *I will keep it.*

298 Episc. *Sir, will you (to your power) cause law, justice, and discretion, in mercy and truth, to be executed in all your judgments ?*

Rex. *I will.*

299 Episc. *Sir, will you grant to hold and keep the laws and*

rightful customs which the commonalty of this your kingdom have; and will you defend and uphold them to the honour of God, so much as in you lieth?

Rex. I grant, and promise so to do.

300 *Then one of the bishops reads this admonition to the king, before the people, with a loud voice:*

301 *Our lord and king, we beseech you to pardon, and to grant, and to preserve unto us, and to the churches committed to our charge, all canonical privileges, and due law and justice: and that you would protect and defend us, as every good king in his kingdom ought to be protector and defender of the bishops and the churches under their government.*

The king answereth:

302 *With a willing and devout heart I promise, and grant my pardon; and that I will preserve and maintain to you, and the churches committed to your charge, all canonical privileges and due law and justice; and that I will be your protector and defender, to my power, by the assistance of God, as every good king in his kingdom in right ought to protect and defend the bishops and churches under their government.*

303 *Then the king ariseth, and is led to the communion-table: where he makes a solemn oath, in sight of all the people, to observe the premises; and, laying his hand upon the book, saith:*

THE OATH.

304 *The things which I have before promised, I shall perform, and keep: so help me God, and the contents of this book.*

305 *His majesty said, "all the world might judge, whether such doctrine, or such conclusions, as those men brought, could follow, or have the least pretence, from that oath: for the preamble of the statute they cited, that told his majesty, that the king was bound to remedy, by law, the mischiefs and damages which happen to his people: his majesty said, he was so; but asked, whether the king were bound, by the preamble of that statute,*

to renounce his own judgment, his own understanding in those mischiefs, and of these remedies? How far forth he was obliged to follow the judgment of his parliament, that declaration still confessed to be a question. Without question, he said, none could take upon them to remedy even mischiefs, but by law, for fear of greater mischiefs than those they go about to remedy.

306 “ But his majesty was bound in justice to consent to their proposals, because there was a trust reposed in his majesty to preserve the kingdom by making new laws : he said, he was glad there was so ; then he was sure no new law could be made without his consent ; and that the gentleness of his answer, *Le roy s’avisera*, if it be no denial, it is no consent ; and then the matter was not great. They would yet allow his majesty a greater latitude of granting or denying as he should think fit in public acts of grace, as pardons, or the like grants of favour : why did they so ? If those pardons and public acts of grace were for the public good, (which they might vote them to be,) they would then be absolutely in their own disposal ; but had they left that power to his majesty ? They had sure at least shared it with him ; how else had they got the power to pardon sergeant-major-general Skippon, (a new officer of state, and a subject his majesty had no authority to send to speak with,) and all other persons employed by them, and such as had employed themselves for them, not only for what they had done, but for what they should do ? If they had power to declare such actions to be no treason which his majesty would not pardon, and such actions to be treason which need no pardon ; the latitude they allowed his majesty of granting or denying of pardons was a jewel they might still be content to suffer his majesty to wear in his crown, and never think themselves the more in danger.

307 “ All this considered, the contriver of that message, (since they would afford his majesty no better title,) whom they were angry with, did not conceive the people of this land to be so void of common sense, as to believe his majesty, who had denied no one thing for the ease and benefit of them, which in justice or prudence could be asked, or in honour and conscience could be granted, to have cast off all care of the subjects’ good ; and the framers and devisers of that declaration (who had endeavoured to render his majesty odious to his subjects, and them disloyal to him, by pretending such a trust in them) to have only taken

it up : neither, he was confident, would they be satisfied, when they felt the misery and the burdens which the fury and the malice of those people would bring upon them, with being told that calamity proceeded from evil counsellors, whom nobody could name ; from plots and conspiracies, which no man could discover ; and from fears and jealousies, which no man understood : and therefore, that the consideration of it should be left to the conscience, reason, affection, and loyalty of his good subjects, who do understand the government of this kingdom, his majesty said, he was well content.

308 “ His majesty asked, where the folly and madness of those people would end, who would have his people believe, that his absenting himself from London, where, with his safety, he could not stay, and the continuing his magazine at Hull, proceeded from the secret plots of the papists here, and to advance the designs of the papists in Ireland ? But it was no wonder that they, who could believe sir J. Hotham's shutting his majesty out of Hull to be an act of affection and loyalty, would believe that the papists or the Turk persuaded him to go thither.

309 “ And could any sober man think that declaration to be the consent of either or both houses of parliament, unawed either by fraud or force ; which (after so many thanks, and humble acknowledgments of his gracious favour in his message of the twentieth of January, so often and so unanimously presented to his majesty from both houses of parliament) now told him, that the message at first was, and, as often as it had been since mentioned by him, had been a breach of privilege, (of which they had not used to have been so negligent, as in four months not to have complained, if such a breach had been,) and that their own method of proceeding should not be proposed to them : as if his majesty had only authority to call them together, not to tell them what they were to do, not so much as with reference to his own affairs. What their own method had been, and whither it had led them, and brought the kingdom, all men see ; what his would have been, if seasonably and timely applied unto, all men might judge ; his majesty would speak no more of it.

310 “ But see now what excellent instances they had found out, to prove an inclination, if not in his majesty, in some about him, to civil war : their going with his majesty to the house of commons,

(so often urged, and so fully answered,) their attending on him to Hampton-court, and appearing in a warlike manner at Kingston upon Thames; his going to Hull; their drawing their swords at York, demanding, who would be for the king? the declaring sir John Hotham traitor, before the message sent to the parliament; the propositions to the gentry in Yorkshire, to assist his majesty against sir John Hotham, before he had received an answer from the parliament: all desperate instances of an inclination to a civil war. Examine them again: the manner and intent of his going to the house of commons he had set forth at large in his answer to their declaration of the nineteenth of May; all men might judge of it. Next, did they themselves believe, to what purpose soever that rumour had served their turns, that there was an appearance in warlike manner at Kingston upon Thames? Did they not know, that whensoever his majesty had been at Hampton-court, since his first coming to the crown, there was never a less appearance, or in a less warlike manner, than at the time they meant? He said, he would say no more, but that his appearance in a warlike manner at Kingston upon Thames and theirs at Kingston upon Hull was very different. What was meant by the drawing of swords at York, and demanding, who would be for the king, must be inquired at London; for his majesty believed very few in York understood the meaning of it. For his going to Hull, which they would by no means endure should be called a visit, whether it were not the way to prevent, rather than to make a civil war, was very obvious: and the declaring him a traitor in the very act of his treason, would never be thought unseasonable, but by those who believed him to be a loving and loyal subject; no more than the endeavouring to make the gentlemen of that county sensible of that treason, (which they were in an honourable and dutiful degree,) before he received the answer from both houses of parliament: for, if they had been, as his majesty expected they should have been, sensible of that intolerable injury offered to him, might he not have had occasion to have used the affection of these gentlemen? Was he sure that sir John Hotham, who had kept him out without their order, (he spake of a public order,) would have let him in, when they had forbidden him? And if they had not such a sense of him, (as the case falls out to be,) had he not more reason to

make propositions to those gentlemen, whose readiness and affection he or his posterity would never forget?

311 “But this business of Hull sticks still with them; and finding his questions hard, they are pleased to answer his majesty, by asking other questions of him: no matter for the exceptions against the earl of Newcastle, (which have been so often urged as one of the principal grounds of their fears and jealousies, and which drew that question from him,) they asked his majesty, why, when he held it necessary that a governor should be placed in Hull, sir John Hotham should be refused by him, and the earl of Newcastle sent down? His majesty answered, because he had a better opinion of the earl of Newcastle than of sir John Hotham; and desired to have such a governor over his towns, if he must have any, as should keep them for, and not against him: and if his going down were in a more private way than sir John Hotham's, it was because he had not that authority to make a noise, by levying and billeting of soldiers, in a peaceable time, upon his good subjects, as it seemed sir John Hotham carried down with him. And the imputation which is cast by the way upon that earl, to make his reputation not so unblemished as he conceived and the world believes it to be, and which, though it was not ground enough for a judicial proceeding, (it is wonder it was not,) was yet ground enough of suspicion, must be the case of every subject in England, (and he wished it went no higher,) if every vile aspersion, contrived by unknown hands, upon unknown or unimaginable grounds, which is the way practised to bring any virtuous and deserving men into obloquy, should receive the least credit or countenance in the world.

312 “They tell him, their exception to those gentlemen who delivered their petition to him at York, was, that they presumed to take the style upon them of all the gentry and inhabitants of that county; whereas, they say, so many more of as good quality as themselves, of that county, were of another opinion; and have since, by their petition to his majesty, disavowed that act. Their information in that point, his majesty said, was no better than it useth to be; and they would find, that neither the number or the quality of those who have, or will disavow that petition, was as they imagine; though too many weak persons were misled (which they did, and would every day more and more under-

stand) by the faction, skill, and industry of that true malignant party, of which he did and had reason to complain. They said, they had received no petition of so strange a nature : what nature ? Contrary to the votes of both houses : that is, they had received no petition they had no mind to receive. But his majesty had told them again, and all his good subjects would tell them, that they had received petitions with joy and approbation against the votes of both houses of their predecessors, confirmed and established into laws by the consent of his majesty and his ancestors ; and allowed those petitions to carry the style, and to seem to carry the desires of cities, towns, and counties, when, of either city, town, or county, very few known or considerable persons had been privy to such petitions : whereas, in truth, the petitions delivered to his majesty, against which they except, carried not the style of all, but some of the gentry and inhabitants ; and implied no other consent, than such as went visibly along with it.

313 “ But his majesty was all this while in a mistake ; the magazine at Hull was not taken from him. Who told them so ? They who assure them, (and whom without breaking their privileges they must believe,) that sir John Hotham’s shutting the gates against his majesty, and resisting his entrance with armed men, (though he thought it in defiance of him,) was indeed in obedience to him and his authority ; and for his service, and the service of the kingdom. He was to let none in, but such as came with his majesty’s authority signified by both houses of parliament : himself and they had ordered it so. And therefore he kept his majesty out, only till his majesty, or he himself, might send for their directions. His majesty said, he knew not whether the contrivers of that declaration meant, that his good subjects should so soon understand, though it was plain enough to be understood, the meaning of the king’s authority signified by both houses of parliament : but sure the world would now easily discern in what miserable case he had by this time been, (it is bad enough as it is,) if he had consented to their bill, or to their ordinance of the militia, and given those men power to have raised all the arms of the kingdom against him, for the common good, by his own authority : would they not, as they had kept him from Hull, by this time have beaten him from York, and pursued him out of the kingdom, in his

own behalf? Nay, might not this munition, which is not taken from him, be employed against him; not against his authority, signified by both houses of parliament, but only to kill those ill counsellors, the malignant party, which is about him, and yet for his good, for the public good, (they would declare it so,) and so no treason within the statute of 25 Ed. III.? which, by their interpretation, had left his majesty the king of England absolutely less provided for, in point of safety, than the meanest subject of the kingdom: and every subject of this land (for whose security that law was made, that they may know their duty, and their danger in breaking of it) may be made a traitor when these men please to say he is so. But did they think that upon such an interpretation, (upon pretence of authority of book cases and precedents, which, without doubt, they would have cited, if they had been to their purpose,) out of which nothing can result but confusion to king and people, would find any credit with his good subjects? and that so excellent a law, made both for security of king and people, shall be so eluded, by an interpretation no learned lawyer in England would at this hour, he believed, set under his hand, notwithstanding the authority of that declaration; which, he hoped, shall bring nothing but infamy upon the contrivers of it?

- 314 “Now to their privileges: though it be true, they say, that their privileges do not extend to treason, felony, or breach of the peace, so as to exempt the members from all manner of process and trial; yet it doth privilege them in the way or method of their trial: the cause must be first brought before them, and their consent asked, before you can proceed. Why then their privileges extend as far in these cases as in any that are most unquestioned; for no privilege whatsoever exempts them from all manner of process and trial, if you first acquaint the house with it, and they give you leave to proceed by those processes, or to that trial: but by this rule, if a member of either house commit a murder, you must by no means meddle with him till you have acquainted that house of which he is a member, and received their direction for your proceeding, assuring yourself he will not stir from that place where you left him, till you return with their consent; should it be otherwise, it would be in the power of every man, under the pretence of murder, to take one after another, and as many as he pleaseth;

and so, consequently, bring a parliament to what he pleaseth when he pleaseth. If a member of either house shall take a purse at York, (he may as probably take a purse from a subject as arms against his king,) you must ride to London, to know what to do, and he may ride with you, and take a new purse every stage, and must not be apprehended, or declared a felon, till you have asked that house of which he is a member; should it be otherwise, it might be in every man's power to accuse as many members as he would of taking purses; and so bring a parliament, and so all parliaments, to nothing. Would these men be believed? And yet they make no doubt but every one who hath taken the protestation would defend this doctrine with his life and fortune. Would not his subjects believe, that they had imposed a pretty protestation upon them; and that they had a very good end in the doing of it, if it obligeth them to such hazards, to such undertakings? Must they forget or neglect his majesty's person, honour, and estate, which by that protestation they are bound to defend, and in some degree do understand? And must they only venture their lives and fortunes to justify privileges they know not, or ever heard of before? Or are they bound by that protestation to believe, that the framers of that declaration have power to extend their own privileges as far as they think fit, and to contract his majesty's rights as much as they please; and that they are bound to believe them in either, and to venture their lives and fortunes in that quarrel?

315 "From declaring how mean a person his majesty is, and how much the kingdom hath been mistaken in the understanding of the statute of 25 E. III. concerning treason, and that all men need not fear levying war against him, so they have their order to warrant them; they proceed, in the spirit of declaring, to certify his subjects in the mistakings, which, near one hundred and fifty years, have been received concerning the statute of the eleventh year of Hen. VII. ch. 1. (a statute all good subjects will read with comfort,) and tell them, that the serving of the king for the time being cannot be meant of Perkin Warbeck, or of any that should call himself king; but such a one as is allowed and received by the parliament in the behalf of the kingdom: and was not his majesty so allowed? However, through a dark mist of words, and urging their old privileges,

(which, he hoped, he had sufficiently answered, and will be every day more confuted by the actions of his good subjects,) they conclude, that those that shall guide themselves by the judgment of parliament, which they say is their own, ought, whatsoever happen, to be secure, and free from all account and penalties, upon the ground and equity of that very statute: how far their own chancellors may help them in that equity, his majesty knew not; but by the help of God, and that good law, he would allow no such equity: so then, here is the doctrine of that declaration; and these are the positions of the contrivers of it:

1. *That they have an absolute power of declaring the law; and that whatsoever they declare to be so ought not to be questioned by his majesty or any subject: so that all right and safety of him and his people must depend upon their pleasure.*

2. *That no precedents can be limits to bound their proceedings; so they may do what they please.*

3. *That a parliament may dispose of any thing, wherein the king or subject hath a right, for the public good; that they, without the king, are this parliament, and judge of this public good; and that his majesty's consent is not necessary; so the life and liberty of the subject, and all the good laws made for the security of them, may be disposed of, and repealed by the major part of both houses at any time present, and by any ways and means procured so to be; and his majesty had no power to protect them.*

4. *That no member of either house ought to be troubled or meddled with for treason, felony, or any other crime, without the cause first brought before them, that they may judge of the fact, and their leave obtained to proceed.*

5. *That the sovereign power resides in both houses of parliament; and that his majesty had no negative voice: so then his majesty himself must be subject to their commands.*

6. *That the levying of forces against the personal commands of the king (though accompanied with his presence) is not levying war against the king; but the levying war against his laws and authority, (which they have power to declare and signify,) though not against his person, is levying war against the king: and that treason cannot be committed against his person, otherwise than as*

he is intrusted with the kingdom, and discharging that trust ; and that they have a power to judge, whether he discharges this trust or no.

7. That if they should make the highest precedents of other parliaments their patterns, there would be no cause to complain of want of modesty or duty in them ; that is, they may depose his majesty when they will, and are not to be blamed for so doing.

316 “ And now, (as if the mere publishing of their resolutions would not only prevail with the people, but, in the instant, destroy all spirit and courage in his majesty to preserve his own right and honour,) they had since taken the boldness to assault him with certain propositions ; which they call the most necessary effectual means for the removing those jealousies and differences between his majesty and his people ; that is, that he would be content to divest himself of all his regal rights and dignities ; be content with the title of a king, and suffer them, according to their discretion, to govern him and the kingdom, and to dispose of his children. How suitable and agreeable this doctrine and these demands were to the affection of his loving subjects, under whose trust these men pretend to say and do these monstrous things ; and to design not only the ruin of his person, but of monarchy itself, (which, he might justly say, was more than ever was offered in any of his predecessors’ times ; for though the person of the king hath been sometimes unjustly deposed, yet the regal power was never before this time stricken at,) he believes his good subjects would find some way to let them and the world know : and, from this time, such who had been misled, by their ill counsels, to have any hand in the execution of the militia, would see to what ends their service was designed ; and therefore, if they should presume hereafter to meddle in it, they must expect that he would immediately proceed against them as actual raisers of sedition, and as enemies to his sovereign power.

317 “ His majesty said, he had done : and should now expect the worst actions these men had power to commit against him ; worse words they could not give him ; and he doubted not, but the major part of both houses of parliament, when they might come together with their honour and safety, (as well those who

were surprised at the passing of it, and understood not the malice in it, and the confusion that must grow by it, if believed, as those who were absent, or involved,) would so far resent the indignity offered to his majesty, the dishonour to themselves, and the mischief to the whole kingdom, by that declaration, that they would speedily make the foul contrivers of it instances of their exemplary justice, and brand them and their doctrine with the marks of their perpetual scorn and indignation."

318 Whilst this answer and declaration of his majesty was preparing and publishing, which was done with all imaginable haste, and to which they made no reply till many months after the war was begun, they proceeded in all their counsels towards the lessening his majesty both in reputation and power, and towards the improving their own interests: for the first, upon the advantage of their former vote, of the king's intention to levy war against his parliament, in the end of May they published orders, "That the sheriffs of the adjacent counties should hinder, and make stay of all arms and ammunition carrying towards York, until they had given notice thereof unto the lords and commons, and should have received their further direction; and that they should prevent the coming together of any soldiers, horse or foot, by any warrant of his majesty, without their advice or consent:" which they did, not upon any opinion that there would be any arms or ammunition carrying to his majesty, they having entirely possessed themselves of all his stores; or that they indeed believed there was any commission or warrant to raise soldiers, which they well knew there was not; but that, by this means, their agents in the country (which many sheriffs and justices of peace were, and most constables, and inferior officers) might, upon this pretence, hinder the resorting to his majesty, which they did with that industry, that few, who, foreseeing the design of those orders, did not decline the great roads, and made

not pretences of travelling to some other place, [and] travelled in any equipage towards his majesty, escaped without being stayed by such watches: and most that were so stayed, finding it no boot to attend the resolution or justice of the houses, who always commended the vigilance of their ministers, and did not expect they should be bound up by the letter of their orders, made shift to escape with their own persons, and were contented to leave their horses behind them; they who attended to be repaired by the justice of the houses finding so many delays, and those delays to be so chargeable, and themselves objected to so many questions, and such an inquisition, that they thought their liberty a great prize, whatever they left behind them.

319 For the improving their interest and dependence, though they had as much evidence of the affections of the city as could reasonably be expected, and by their exercise of the militia had united them in a firm bond, the communication of guilt; yet they well understood their true strength consisted in the rabble of the people, far the greatest part of the substantial and wealthy citizens being not of their party; and except some expedient were found out, whereby they might be involved, and concerned in their prosperity or ruin, they thought themselves not so much in truth possessed of that city as they seemed to be. They had heard it said, that Edward IV. of England recovered the city of London, and by that the kingdom, by the vast debts that he owed there; men looking upon the helping of him to the crown as the helping themselves to their money, which was else desperate. Upon this ground, they had taken the first opportunity of borrowing great sums of them in the beginning of this parliament; when the richest and best affected men, upon a presumption that hereby the Scots' army would suddenly march into their own country, and the English as soon be

disbanded, cheerfully furnished that money. Upon this ground they still forbore to repay those sums, disposing what was brought in upon the bills of subsidy, and other public bills, to other purposes. And now, to make themselves more sure of them, they borrowed another sum of £100,000 of them, upon pretence of the great exigences of Ireland; which was their twoedged sword, to lead them into the liberty of laying what imputations they thought most convenient for their purposes upon the king and queen, and to draw what money they thought fit from the city; and served them now to another important end, to raise soldiers; but that service itself, in order to suppressing the rebellion there, was not in any degree advanced. Having by these means thus provided for their main ends, they made the people believe they were preparing propositions to send to the king; and the people were yet so innocent as to believe, that they would never send propositions that were not reasonable: for though [the] unusual acts [which] had been done by the king, as the going to the house of commons, and demanding the members there, had put them into as unusual apprehensions; and those, by the warmth and heat of declarations and answers, had drawn from them by degrees another kind of language than had before been used; yet most men believed, when those passions were digested, and that any propositions should be made by them, (which the king had long called for and invited, that they could not but be such as would open a door for that affection, confidence, duty, and trust, upon which the peace of the kingdom might be reasonably founded. And propositions they did send to the king in the beginning of June; which were presented to his majesty with great solemnity by their committee resident there; which in this place are very necessary to be inserted in the very terms in which they were presented, as followeth:

320 *The humble petition and advice of both houses of parliament, with nineteen propositions and the conclusion, sent unto his majesty the second of June, 1642.*

“ Your majesty’s most humble and faithful subjects, the lords and commons in parliament, having nothing in their thoughts and desires more precious and of higher esteem, next to the honour and immediate service of God, than the just and faithful performance of their duty to your majesty and this kingdom; and being very sensible of the great distractions and distempers, and of the imminent dangers and calamities which those distractions and distempers are like to bring upon your majesty and your subjects; (all which have proceeded from the subtle informations, mischievous practices, and evil counsels of men disaffected to God’s true religion; your majesty’s honour and safety; and the public peace, and prosperity of your people;) after a serious observation of the causes of those mischiefs, do, in all humility and sincerity, present to your majesty their most dutiful petition and advice: that, out of your princely wisdom for the establishing your own honour and safety, and gracious tenderness of the welfare and security of your subjects and dominions, you will be pleased to grant and accept these their humble desires and propositions, as the most necessary and effectual means, through God’s blessing, of removing those jealousies and differences which have unhappily fallen out betwixt you and your people, and procuring both your majesty and them a constant course of honour, peace, and happiness.

The propositions.

321 1. “ That the lords and others of your majesty’s privy-council, and such great officers and ministers of state, either at home or beyond the seas, may be put from your privy-council, and from those offices and employments, excepting such as shall be approved of by both houses of parliament: and that the persons put into the places and employments of those that are removed may be approved of by both houses of parliament; and that privy-counsellors shall take an oath for the due execution of their places in such form as shall be agreed upon by both houses of parliament.

2. “ That the great affairs of the kingdom may not be

concluded or transacted by the advice of private men, or by any unknown or unsworn counsellors ; but that such matters as concern the public, and are proper for the high court of parliament, which is your majesty's great and supreme council, may be debated, resolved, and transacted only in parliament, and not elsewhere : and such as shall presume to do any thing to the contrary shall be reserved to the censure and judgment of parliament : and such other matters of state, as are proper for your majesty's privy-council, shall be debated and concluded by such of the nobility and others as shall from time to time be chosen for that place by approbation of both houses of parliament : and that no public act concerning the affairs of the kingdom, which are proper for your privy-council, may be esteemed of any validity, as proceeding from the royal authority, unless it be done by the advice and consent of the major part of your council, attested under their hands : and that your council may be limited to a certain number, not exceeding twenty-five, nor under fifteen : and if any counsellor's place happen to be void in the interval of parliament, it shall not be supplied without the assent of the major part of the council ; which choice shall be confirmed at the next sitting of parliament, or else to be void.

3. "That the lord high steward of England, lord high constable, lord chancellor, or lord keeper of the great seal, lord treasurer, lord privy seal, earl marshal, lord admiral, warden of the cinque ports, chief governor of Ireland, chancellor of the exchequer, master of the wards, secretaries of state, two chief justices and chief baron, may always be chosen with the approbation of both houses of parliament ; and in the intervals of parliaments by assent of the major part of the council, in such manner as is before expressed in the choice of counsellors.

4. "That he or they unto whom the government and education of the king's children shall be committed shall be approved of by both houses of parliament ; and in the intervals of parliaments by the assent of the major part of the council, in such manner as is before expressed in the choice of counsellors ; and that all such servants as are now about them, against whom both houses shall have any just exceptions, shall be removed.

5. "That no marriage shall be concluded or treated for any of the king's children, with any foreign prince, or other person whatsoever, abroad or at home, without the consent of parliament, under the penalty of a præmunire unto such as shall conclude or treat any marriage as aforesaid: and that the said penalty shall not be pardoned, or dispensed with, but by the consent of both houses of parliament.

6. "That the laws in force against Jesuits, priests, and popish recusants, be strictly put in execution, without any toleration or dispensation to the contrary: and that some more effectual course may be enacted, by authority of parliament, to disable them from making any disturbance in the state; or eluding the laws by trusts, or otherwise.

7. "That the votes of popish lords in the house of peers may be taken away so long as they continue papists: and that your majesty will consent to such a bill as shall be drawn for the education of the children of papists, by protestants, in the protestant religion.

8. "That your majesty will be pleased to consent, that such a reformation be made of the church-government and liturgy as both houses of parliament shall advise; wherein they intend to have consultations with divines, as is expressed in their declaration to that purpose: and that your majesty will contribute your best assistance to them, for the raising of a sufficient maintenance for preaching ministers through the kingdom: and that your majesty will be pleased to give your consent to laws for the taking away of innovations and superstition and of pluralities, and against scandalous ministers.

9. "That your majesty will be pleased to rest satisfied with that course that the lords and commons have appointed for ordering of the militia, until the same shall be further settled by a bill: and that your majesty will recall your declarations and proclamations against the ordinance made by the lords and commons concerning it.

10. "That such members of either house of parliament as have during this present parliament been put out of any place and office may either be restored to that place and office, or otherwise have satisfaction for the same, upon the petition of that house, whereof he or they are members.

11. "That all privy-counsellors and judges may take an

oath, the form whereof to be agreed on and settled by act of parliament, for the maintaining of the Petition of Right, and of certain statutes made by this parliament, which shall be mentioned by both houses of parliament; and that an inquiry of all breaches and violations of those laws may be given in charge by the justices of the king's bench every term, and by the judges of assize in their circuits, and justices of the peace at the sessions, to be presented and punished according to law.

12. "That all the judges and all the officers, placed by approbation of both houses of parliament, may hold their places *quandiu bene se gesserint*.

13. "That the justice of parliament may pass upon all delinquents, whether they be within the kingdom or fled out of it: and that all persons cited by either house of parliament may appear, and abide the censure of parliament.

14. "That the general pardon offered by your majesty may be granted with such exceptions as shall be advised by both houses of parliament.

15. "That the forts and castles of this kingdom may be put under the command and custody of such persons as your majesty shall appoint with the approbation of your parliament; and in the intervals of parliament with approbation of the major part of the council, in such manner as is before expressed in the choice of counsellors.

16. "That the extraordinary guards and military forces now attending your majesty may be removed and discharged; and that for the future you will raise no such guards or extraordinary forces, but, according to the law, in case of actual rebellion or invasion.

17. "That your majesty will be pleased to enter into a more strict alliance with the states of the United Provinces, and other neighbour princes and states of the protestant religion, for the defence and maintenance thereof, against all designs and attempts of the pope and his adherents to subvert and suppress it; whereby your majesty will obtain a great access of strength and reputation, and your subjects be much encouraged and enabled, in a parliamentary way, for your aid, and assistance, in restoring your royal sister and her princely issue to those dignities and dominions which

belong unto them; and relieving the other distressed protestant princes who have suffered in the same cause.

18. "That your majesty will be pleased by act of parliament to clear the lord Kimbolton, and the five members of the house of commons, in such manner that future parliaments may be secured from the consequence of that evil precedent.

19. "That your majesty will be graciously pleased to pass a bill for restraining peers made hereafter, from sitting or voting in parliament, unless they be admitted thereunto with the consent of both houses of parliament.

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"And these our humble desires being granted by your majesty, we shall forthwith apply ourselves to regulate your present revenue, in such sort as may be for your best advantage; and likewise to settle such an ordinary and constant increase of it, as shall be sufficient to support your royal dignity in honour and plenty, beyond the proportion of any former grants of the subjects of this kingdom to your majesty's royal predecessors: we shall likewise put the town of Hull into such hands as your majesty shall appoint with the consent and approbation of parliament; and deliver up a just account of all the magazine; and cheerfully employ the uttermost of our power and endeavours in the real expression and performance of our most dutiful and loyal affections, to the preserving and maintaining the royal honour, greatness, and safety of your majesty and your posterity."

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The same day that these articles of deposition were passed the houses, that his majesty might see how unable he was like to be to contend with them, they declared by an order the same day, printed, and carefully dispersed, "that they had received information," (and indeed their informations were wonderful particular, from all parts beyond sea, of whatsoever was agitated on the king's behalf; as well as from his court, of whatsoever was designed, or almost but thought of to himself: besides they could pretend to receive information of whatsoever would any way conduce to their purpose, true or false,) "that the jewels of the crown (which, they said, by the law of the land ought not to be aliened) were either

pawned or sold in Amsterdam, or some other parts beyond the seas; and thereby great sums of money provided to be returned to York, or to some of his majesty's servants or agents, for his majesty's use: and because, they said, it was more than probable, that great provision of monies, in such an extraordinary way, was to maintain the intended war against the parliament, and thereby to bring the whole kingdom into utter ruin and combustion; it was therefore declared, by the lords and commons in parliament, that whosoever had been or should be an actor in the selling or pawning of any jewels of the crown; or had or should pay, lend, send, or bring any money in specie into this kingdom, for or upon any of those jewels; or whosoever had, or should accept of any bill from beyond the seas for the payment of any sum of money, for or upon any of those jewels, and should pay any sum according to such bill, after notice of that order, without acquainting that house with the receipt of that bill, before he accept the same; or if he had already accepted any such bill, then with the acceptance thereof, before the payment of the money; every such person should be held and accounted a promoter of that intended war, an enemy to the state, and ought to give satisfaction for that public damage out of his own estate."

³²⁴ Upon this confident assumption, "that it was not in the king's power to dispose the jewels of the crown; that whatsoever jewels were offered to be pawned or sold by any of the king's ministers beyond the seas were the jewels of the crown, and no other; and that all money returned from thence for his majesty's service was money so raised and procured;" they so much terrified men of all conditions, that the queen, having, by the sale of some of her own jewels, and by her other dexterity, procured some money for the king's supply, she could not, in a long time, find any means to trans-

mit it. However, this made no impression upon the king's resolutions; and though it might have some influence upon merchantly men, yet it stirred up most generous minds to an indignation on the king's behalf; and was new evidence, if there had wanted any, what kind of greatness he was to expect from complying with such immodest and extravagant proposers.

125 The king was once resolved to have returned no answer to them upon those propositions; but to let the people alone to judge of the unreasonableness of them, and of the indignity offered to him in the delivery of them; and that was the reason of the short mention he made of them, in the close of his declaration to theirs of the twenty-sixth of May: but he was afterwards persuaded to vouchsafe a further notice of them, there being some particulars popular enough, and others, that at the first view seemed not altogether so derogatory to him and so inconvenient to the people as in truth they were; and that therefore it was necessary to let all the people know, that whatsoever was reasonable, and might be beneficial to the kingdom, had been for the most part before offered by his majesty; and should all be readily granted by him; and so to unfold the rest to them, that they might discern their own welfare and security to be as much endangered by those demands, as the king's rights, honour, and dignity: so that, in a short time after he received them, he sent to the two houses, and published to the kingdom, his answer to those nineteen propositions;

126 " In which he first remembered them of their method they had observed in their proceedings towards him: that they had first totally suppressed the known law of the land, and denied his power to be necessary to the making new, reducing the whole to their own declarations and single votes: that they had possessed themselves of his magazines, forts, and militia: that they had so awed his subjects with pursuivants long

chargeable attendance, heavy censures, and illegal imprisonments, that few of them durst offer to present their tenderness of his majesty's sufferings, their own just grievances, and their sense of those violations of the law, (the birthright of every subject of the kingdom,) though in an humble petition to both houses: and if any did, it was stifled in the birth, called sedition, and burned by the common hangman: that they had restrained the attendance of his ordinary and necessary household servants, and seized upon those small sums of money which his credit had provided to buy him bread; with injunctions, that none should be suffered to be conveyed or returned to his majesty to York, or to any of his peers, or servants with him; so that in effect they had blocked him up in that county: that they had filled the ears of his people with fears and jealousies, (though taken up upon trust,) tales of skippers, salt fleets, and such like; by which alarums they might prepare them to receive such impressions as might best advance their design when it should be ripe. And now, it seemed, they thought his majesty sufficiently prepared for those bitter pills; that he was in a handsome posture to receive those humble desires; which probably were intended to make way for a superfoetation of a yet higher nature; for they did not tell him this was all. He said, he must observe, that those contrivers, (the better to advance their true ends,) in those propositions, disguised, as much as they could, their intents with a mixture of some things really to be approved by every honest man; others, specious and popular; and some which were already granted by his majesty: all which were cunningly twisted and mixed with those other things of their main design, of ambition and private interest, in hope that, at the first view, every eye might not so clearly discern them in their proper colours.

- 327 “His majesty said, if the 1, 2, 3, 4, 5, 9, 10, 15, 16, 19, demands had been writ and printed in a tongue unknown to his majesty and his people, it might have been possible, that he and they might have charitably believed the propositions to be such as might have been in order to the ends pretended in the petition; to wit, the establishment of his honour and safety; the welfare and security of his subjects and dominions; and the removing those jealousies and differences which

were said to have unhappily fallen betwixt his majesty and his people, and procuring both his majesty and them a constant course of honour, peace, and happiness : but being read and understood by all, he could not but assure himself, that that profession, joined to those propositions, would rather appear a mockery and a scorn ; the demands being such, that he were unworthy of the trust reposed in him by the law, and of his descent from so many great and famous ancestors, if he could be brought to abandon that power, which could only enable him to perform what he was sworn to, in protecting his people and the laws ; and so assume others into it, as to divest himself of it, although not only his present condition were more necessitous than it was, (which it could hardly be,) and he were both vanquished and a prisoner, and in a worse condition than ever the most unfortunate of his predecessors had been reduced to by the most criminal of their subjects ; and though the bait laid to draw him to it, and to keep his subjects from indignation at the mention of it, the promises of a plentiful and unparalleled revenue, were reduced from generals (which signify nothing) to clear and certain particulars ; since such a bargain would have but too great a resemblance of that of Esau's, if he would part with such flowers of his crown as were worth all the rest of the garland, and had been transmitted to him from so many ancestors, and had been found so useful and necessary for the welfare and security of his subjects, for any present necessity, or for any low and sordid considerations of wealth and gain. And therefore, all men knowing that those accommodations are most easily made and most exactly observed, that are grounded upon reasonable and equal conditions, his majesty had great cause to believe, that the contrivers of those propositions had no intention of settling any firm accommodation ; but to increase those jealousies, and widen that division, which, not by his majesty's fault, was now unhappily fallen between him and both houses.

328 “ It was asked, that all lords and others of his privy-council, and such great officers and ministers of state, either at home or beyond the seas, (for, he said, care was taken to leave out no person or place, that his dishonour might be sure not to be bounded within this kingdom,) should be put from his privy-council, and from those offices and employments, unless they

should be approved by both houses of parliament, how faithful soever his majesty had found them to him and to the public; and how far soever they had been from offending against any law, the only rule they had, or any others ought to have, to walk by. His majesty therefore to that part of that demand returned this answer; That he was willing to grant, that they should take a larger oath than they themselves desired in their eleventh demand, for maintaining not of any part, but of the whole law. And, he said, he had, and did assure them, that he would be careful to make election of such persons in those places of trust, as had given good testimonies of their abilities and integrities, and against whom there could be no just cause of exception whereon reasonably to ground a diffidence: that if he had, or should be mistaken in his election, he had, and did assure them, that there was no man so near to him, in place or affection, whom he would not leave to the justice of the law, if they should bring a particular charge and sufficient proof against him: that he had given them a triennial parliament, (the best pledge of the effects of such a promise on his part, and the best security for the performance of their duty on theirs,) the apprehension of whose justice would in all probability make them wary how they provoked it, and his majesty wary, how he chose such as, by the discovery of their faults, might in any degree seem to discredit his election; but that without any shadow of a fault objected, only perhaps because they follow their consciences, and preserve the established laws, and agree not in such votes, or assent not to such bills, as some persons, who had then too great an influence even upon both houses, judged, or seemed to judge, to be for the public good, and as were agreeable to that new Utopia of religion and government into which they endeavoured to transform this kingdom, (for, he said, he remembered what names, and for what reasons, they left out in the bill offered him concerning the militia, which they had themselves recommended in the ordinance,) he would never consent to the displacing of any, whom for their former merits from and affection to his majesty and the public he had intrusted; since, he conceived, that to do so would take away both from the affection of his servants, the care of his service, and the honour of his justice: and, he said, he the more wondered that it should be asked by

them, since it appears by the twelfth demand, that themselves counted it reasonable, after the present turn was served, that the judges and officers who were then placed might hold their places *quamdiu se bene gesserint*: and he was resolved to be as careful of those whom he had chosen, as they were of those they would choose; and to remove none, till they appeared to him to have otherwise behaved themselves, or should be evicted by legal proceedings to have done so.

329 " But, his majesty said, that demand, as unreasonable as it was, was but one link of a great chain, and but the first round of that ladder by which his majesty's just, ancient, regal power was endeavoured to be fetched down to the ground; for it appeared plainly that it was not with the persons now chosen, but with his majesty's choosing, that they were displeased: for they demanded that the persons put into the places and employments of those who should be removed might be approved by both houses; which was so far from being less than the power of nomination, that of two things, of which he would never grant either, he would sooner be content that they should nominate and he approve, than they approve and his majesty nominate; the mere nomination being so far from being any thing, that if he could do no more, he would never take the pains to do that; when he should only hazard those whom he esteemed to the scorn of a refusal, if they happened not to be agreeable, not only to the judgment, but to the passion, interest, or humour of the present major part of either house: not to speak of the great factions, animosities, and divisions, which that power would introduce in both houses, between both houses, and in the several counties for the choice of persons to be sent to that place where that power was; and between the persons that were so chosen. Neither was that strange potion prescribed to him only for once, for the cure of a present, pressing, desperate disease; but for a diet to him and his posterity. It was demanded, that his counsellors, all chief officers both of law and state, commanders of forts and castles, and all peers hereafter made, be approved of, that is chosen, by them from time to time: and rather than it should ever be left to the crown, (to whom it only did and should belong,) if any place fall void in the intermission of parliament, the major part of the approved council was to approve them. Neither was it only demanded

that his majesty should quit the power and right his predecessors had had of appointing persons in those places; but for counsellors, he was to be restrained, as well in the number as in the persons; and a power must be annexed to those places which their predecessors had not. And indeed, if that power were passed to them, he said, it would not be fit he should be trusted to choose those who were to be trusted as much as himself.

- 33^o “He told them, to grant their demands in the manner they proposed them, that all matters that concerned the public, &c. should be resolved and transacted only in parliament, and such other matters of state, &c. by the privy-council so chosen, was in effect at once to depose himself and his posterity. He said, many expressions in their demands had a greater latitude of signification than they seemed to have; and that it concerned his majesty therefore the more, that they should speak out; that both he and his people might either know the bottom of their demands, or know them to be bottomless. Nothing more concerned the public, and was indeed more proper for the high court of parliament, than the making of laws; which not only ought there to be transacted, but could be transacted nowhere else. But then they must admit his majesty to be a part of the parliament; they must not (as the sense was of that part of that demand, if it had any) deny the freedom of his answer, when he had as much right to reject what he thought unreasonable, as they had to propose what they thought convenient or necessary. Nor was it possible his answers, either to bills or any other propositions, should be wholly free, if he might not use the liberty that every one of them and every subject took, to receive advice (without their danger who should give it) from any person known or unknown, sworn or unsworn, in those matters in which the manage of his vote was trusted, by the law, to his own judgment and conscience; which how best to inform was, and ever should be, left likewise to him. He said, he would always, with due consideration, weigh the advices both of his great and privy-council: yet he should likewise look on their advices as advices, not as commands or impositions; upon them, as his counsellors, not as his tutors or guardians; and upon himself, as their king, not as their pupil or ward: for, he said, whatsoever of regality was by the modesty of interpre-

tation left in his majesty, in the first part of the second demand, as to the parliament, was taken from him in the second part of the same, and placed in that newfangled kind of counsellors, whose power was such, and so expressed by it, that in all public acts concerning the affairs of the kingdom, which are proper for the privy-council, (for whose advice all public acts are sometimes proper, though never necessary,) they were desired to be admitted joint patentees with his majesty in the regality. And it was not plainly expressed, whether they meant his majesty so much as a single vote in those affairs; but it was plain they meant him no more, at most, than a single vote in them; and no more power than every one of the rest of his fellow-counsellors."

33¹ And so after a sharp discourse, and explanation of the unreasonableness of the several demands, or the greatest part of them, and the confusion that, by consenting thereunto, would redound to the subject in general, as well as the dishonour to his majesty, (which may be read at large by itself,) he told them,

33² "To all those unreasonable demands, his answer was, *Nolumus leges Angliæ mutari*: but renewed his promise to them, for a very punctual and strict observation of the known laws established; to which purpose he was willing an oath should be framed by them, and taken by all his privy-counsellors. And for any alteration in the government of the church, that a national synod should be called, to propose what should be found necessary or convenient: and that, for the advancement of the protestant religion against the papists, they had not proposed so much to his majesty as he was willing to grant, or as he had himself offered before. He concluded with conjuring them and all men to rest satisfied with the truth of his majesty's professions, and the reality of his intentions; and not to ask such things as denied themselves: that they would declare against tumults, and punish the authors: that they would allow his majesty his property in his towns, arms, and goods; and his share in the legislative power; which would be counted in him not only breach of privilege, but tyranny, and subversion of parliaments, to deny to them: and when they should have given him satisfaction upon those persons who had taken away the one, and

recalled those declarations (particularly that of the twenty-sixth of May, and those in the point of the militia, his just rights wherein he would no more part with than with his crown, lest he enabled others by them to take that from him) which would take away the other; and declined the beginnings of a war against his majesty, under pretence of his intention of making one against them; as he had never opposed the first part of the thirteenth demand, so he would be ready to concur with them in the latter; and being then confident that the credit of those men who desire a general combustion would be so weakened with them, that they would not be able to do this kingdom any more hurt, he would be willing to grant his general pardon, with such exceptions as should be thought fit; and should receive much more joy in the hope of a full and constant happiness of his people in the true religion, and under the protection of the law, by a blessed union between his majesty and his parliament, than in any such increase of his own revenue, how much soever beyond former grants, as (when his subjects were wealthiest) his parliament could have settled upon his majesty."

- 333 Though the king now lived at York in a much more princely condition than he could have hoped to have done near London; and had so great a train and resort of the nobility and gentry, that there [was] not left a fifth part of the house of peers at Westminster; and truly I do not believe that there was near a moiety of the house of commons who continued there; yet he made no other use, for the present, of their presence with him, and of their absence from the two houses, than to have so many the more, and the more credible witnesses of his majesty's counsels and carriage; and to undeceive the people by his clear answers to all the scandals and reproaches which were laid on him, and by his ample professions and protestations of his sincere zeal to religion and justice; and to make it appear to them, how far the quality and the number of those who thought, or seemed to think, otherwise, was, from what they might imagine it to be. And it cannot be denied, but the people were every day visibly reformed in their under-

standings, from the superstitious reverence they had paid the two houses; and grew sensible of their duty to the king, and of those invasions which were offered to his regal dignity.

34 On the other side, the two houses slackened not their pace a jot, proceeded with great and unusual sharpness against those members who were gone to the king; proclaiming some of them by name "to be enemies to the kingdom," and, by a formal judgment, sentencing nine peers together, "to be incapable of sitting again in parliament whilst this should continue:" the house of commons having carried up an impeachment of misdemeanour[s] against them, (which was as illegal in point of justice and as extravagant in point of privilege, as any thing they could do,) "for being absent, and refusing to attend, upon a summons from the house of peers:" and upon their own members they imposed a fine of £100 apiece, on every one who was gone to the king, and upon those who being in other places they thought well affected to his service: yet, lest they should upon this proceeding return again, to disturb and cross their counsels, they provided, "that no man, upon whom that sentence fell, should sit again in the house (though he paid his fine) till he had been examined by a committee, and so given the house satisfaction in the cause of his absence." And by those means they thought both to remove the scandal that so many members were absent, and to prevent any inconvenience too that might befall them by their return. For they well knew, if the members of both houses were obliged to a constant and strict attendance, it would not be possible that they could compass their mischievous designs.

35 Then they prosecuted their great business of the militia, not only near London, where they were in no danger of opposition, but in those northern counties near his majesty, as Leicestershire, Cheshire, Lincolnshire, where

whosoever refused to give obedience to them, or published the king's proclamation against their proceedings, (for the king had yet practised no expedient to prevent the growth of that mischief, but the publishing his proclamation against it,) were sent for as delinquents; and not satisfied herewith, that they might be as well able to pay an army as they found they should be to raise one, on the tenth of June (for the time will be very necessary to be remembered, that it may be the better stated who took up the defensive arms) they published propositions,

- 336 "For the bringing in of money or plate to maintain horse, horsemen, and arms, for the preservation of the public peace, and for the defence of the king and both houses of parliament; the reasons and grounds whereof they declared to be the king's intention to make war against his parliament; that, under pretence of a guard for his person, he had actually begun to levy forces, both of horse and foot; and sent out summons throughout the county of York, for the calling together of greater numbers; and some ill affected persons, in other parts, had been employed to raise troops, under the colour of his majesty's service; making large offers of reward and preferment to such as would come in: that his majesty did, with a high and forcible hand, protect and keep away delinquents, not permitting them to make their appearance to answer such affronts and injuries as had been by them offered to the parliament; and those messengers which had been sent from the houses for them had been abused, beaten, and imprisoned, so as the orders of parliament, the highest court of justice in the realm, were not obeyed; and the authority of it was altogether scorned and vilified; and such persons as stood well affected to it, and declared themselves sensible of those public calamities, and of the violations of the privileges of parliament, and common liberty of the subject, were baffled, and injured by several sorts of malignant men, who were about the king; some whereof, under the name of cavaliers, without having respect to the laws of the land, or any fear either of God or man, were ready to commit all manner of outrage and violence; which must needs tend to the dissolution of the government, the destruction of their religion, laws, liberty, [and] property; all

which would be exposed to the malice and violence of such desperate persons as must be employed in so horrid and unnatural an act, as the overthrowing a parliament by force ; which was the support and preservation of them. Those particulars, they said, being duly considered by the lords and commons, and how great an obligation lay upon them, in honour, conscience, and duty, according to the high trust reposed in them to use all possible means, in such cases, to prevent so great and irrecoverable evils, they had thought fit to publish their sense and apprehension of that imminent danger ; thereby to excite all well affected persons to contribute their best assistance, according to their solemn vow and protestation, to the preparations necessary for the opposing and suppressing of the traitorous attempts of those wicked and malignant counsellors, who sought to engage the king in so dangerous and destructive an enterprise, and the whole kingdom in a civil war, and destroy the privileges and being of parliaments.

- 137 “ This recourse to the good affections of those that tender their religion and just liberties, and the enjoyment of the blessed fruits of this present parliament, which were almost ready to be reaped, and were now as ready to be ruined by those wicked hands, being, they said, the only remedy left them under God ; and without which they were no longer able to preserve themselves, or those by whom they were intrusted : therefore they declared, that whosoever would bring in any proportion of ready money or plate, or would underwrite to furnish and maintain any number of horse, horsemen, and arms, for the preservation of the public peace, and for the defence of the king and both houses of parliament, from force and violence, and to uphold the power and privileges of parliament, according to his protestation ; it should be held a good and acceptable service to the commonwealth, and a testimony of his good affection to the protestant religion, the laws, liberties, and peace of the kingdom, and to the parliament, and privileges thereof. And they further declared, that whosoever brought in money or plate, or furnished and maintained horse, horsemen, and arms, upon these propositions, and to those purposes, should be repaid their money with interest of eight *per cent* ; for which they did engage the public faith ; and they appointed the guildhall in London for the place whither this money or plate should be brought ; and four

aldermen of London to be their treasurers for the receiving the same; and likewise other confiding men to receive and prize such horses and arms as should be brought in for their service. And, lastly, for their better encouragement, the members of both houses appointed a solemn day to set down their own subscriptions;" which they performed liberally.

338 Most of those who abhorred their impious designs, not thinking it lawful for them to be present at such consultations, withdrew before the day came, or absented themselves then. But many had the courage to be present, and stoutly to refuse what they thought they could not honestly consent to. Sir Henry Killigrew, who was notoriously an enemy to all their devices, being called upon, told them, "if there were occasion, he would provide a good horse, and a good sword; and made no question but he should find a good cause." But, within very few days, both he and all those who were taken notice of for refusing found it safest for them to leave the town, there being very visibly great animosity against them both within and without the walls. And a gentleman of good quality assured me afterwards, that, within few days after he had refused to subscribe, he was privately advised by one of the other faction, who yet retained some kindness to him, "to leave the town, lest his brains were beaten out by the boys in the streets." And many of those who too impotently desired not to be looked upon as refractory persons, and had pleased themselves with subscribing more articulately for the defence of the king's person, found it afterwards necessary to supply whatsoever they had subscribed, to be employed that way as was declared to be for the defence of the king's person, whatsoever their intention was at first, or their opinion after. And it is hardly credible what a vast proportion of plate was brought in to their treasurers within ten days; there being hardly men enough to receive it, or room to lay it

9. *at this time put himself into a posture of safety.* (1642.) 227

in; and the throng being so great of the bringers, that in two days' attendance many could not be discharged of their seditious offerings. And, the very next day after these propositions, they further ordered, "that there should be a strict search and examination made by the justices of peace, mayors, bailiffs, and constables, near all the northern roads, for the seizing all horses for service in the wars, or great saddles, that should be carried towards the north parts of England, without the privity or direction of one or both houses of parliament;" which was a great improvement of their former order, which extended only to arms and ammunition; though, the truth [is], the dexterity and spirit of their ministers, who knew their meaning, made the former almost as inconvenient and dangerous to passengers as the latter.

339 It was by many impatiently wondered at then, and no doubt will be more censured hereafter, that, notwithstanding all these invasions and breaches upon the regal power, and all these vast preparations to destroy him, the king, hitherto, put not himself into a posture of safety; or provided for the resistance of that power which threatened him; and which, he could not but know, intended whatsoever it hath since done: and though they had not yet formed an army and chosen a general, yet he well knew they had materials abundantly ready for the first, and particular digested resolutions in the second; which they could reduce to public acts whensoever they pleased. It is very true he did know all this, and the unspeakable hazards he ran in not preparing against it. But the hazards which presented themselves unto him on the other side were not less prodigious: he had a very great appearance of the nobility; and not only of those who had from the beginning walked and governed themselves by the rules the law prescribed, and, in that respect, were unblameable to king and people; but of others, who had

passionately and peevishly (to say no worse) concurred in all the most violent votes and actions which had been done from the beginning: for, besides the lord Spencer, (who had been chosen their lieutenant of Northamptonshire, but was recovered to a right understanding, of which he was very capable, by his uncle [the earl] of Southampton,) the lord Paget likewise, who had contributed all his faculties to their service, and to the prejudice of the king's, from before the beginning of the parliament; [had] been one of their teasers to broach those bold high overtures soberer men were not willing at first to be seen in; and had been, as a man most worthy to be confided in, chosen lord lieutenant of one of their most confiding counties, the county of Buckingham, (where he had, with great solemnity and pomp, executed their ordinance, in defiance of the king's proclamation,) and had subscribed a greater number of horses for their service, upon their propositions, than any other of the same quality; convinced in his conscience, fled from them, and besought the king's pardon: and, for the better manifesting of the tenderness of his compunction, and the horror he had of his former guilt, he lustily discovered whatsoever he had known of their counsels; and aggravated all the ill they had done, with declaring it to be done to worse and more horrid ends, than many good men believed to be possible for them to entertain.

340 Notwithstanding, this glorious convention was rather an ornament to his court than any great advantage to his counsels; and the use of them more to discredit the small remainder at Westminster, and that the people might see the number and quality of the dissenters, than that they contributed any thing to the active improvement of his affairs; every man thinking it high merit in him, that he absented himself from the company and place where all the mischief was done; and that the

keeping himself negatively innocent was as much as he owed his king and country. I am very tender of laying any imputation of want of providence or courage upon that time, and upon so great a body of the nobility, which doubtless was the rise of much reputation and advantage to the king; I am willing to impute it to the drowsy and unactive genius of the kingdom, (contracted by long ease and quiet,) which so much abhorred the thoughts of a civil war, that it thought a lively and vigorous preparation against it was to invite it. And they all (truly there did not appear four counsellors of another opinion) declared to the king, "that the parliament durst not in truth (whatever shows they made in hope to shake his majesty's constancy) make a war; and if they should attempt it, the people would unanimously rise for the king, who would be most safe by not intending his own safety. Whereas, if he raised forces, the parliament would procure themselves to be believed, that it was to overthrow religion, and suppress the laws and liberties of the people." They who were of another opinion, and could have spoken more reason, held it not safe to express themselves but in the king's own ear; there being in the great council of the peers, who, for state, were frequently assembled, and by whom in truth the king then desired to have transacted all things of moment, some who were not good counsel-keepers, and others who were looked upon and believed to be spies upon the rest. But that which made the thought of raising forces (whatever arguments there were for it) absolutely unreasonable, was, that the king had no possibility to procure either arms or munition but from Holland; from whence he daily expected supply: and till that arrived, let his provocations and sufferings be what they could be, he was to submit, and bear it patiently.

341 In the mean time, for a ground of further proceeding

upon occasion, the king desired the peers in council to set down in writing the affronts and violence which had been offered to them at London, by which their presence in the great council of the kingdom was rendered both unsafe and dishonourable; the which they [the] more willingly condescended to, for that the London pamphlets already aspersed them, as deserters of the parliament, and betrayers of the liberty of their country: an instrument being drawn up, and agreed upon between them, in which they set down "the tumults, and the violence offered to particular persons in those tumults; the threats and menaces of the rabble at the doors of the house, when they had a mind any exorbitant thing should pass; the breach and violation of the old orders and rules of parliament whilst matters were in debate, and the resuming matters again in a thin house; and reversing, waving, or contradicting resolutions made in a full house: and, lastly, Mr. Hollis's coming to the bar, and demanding the names of those lords who refused to consent to the militia, when the multitude without menaced and threatened all those dissenters:" after which, they said, "they conceived they could not be present there with honour, freedom, or safety; and therefore forebore to be any more present; and so all those votes, conclusions, and declarations had passed, which had begot those distractions throughout the kingdom." And this they delivered to the king, signed under their hands. And yet, (which is a sufficient instance how unendued men were with that spirit and courage which was requisite,) the next day after the delivery, many lords came to his majesty, and besought him, "that he would by no means publish that paper, but keep it in his own hands;" some of them saying, "that if it were published they would disavow it:" so that material and weighty evidence, which then might have been of sovereign use to the king, was rendered utterly ineffectual to his

service; his majesty finding it necessary to engage his princely word to them, "never to make it public without their consent;" which he performed most punctually; and so, to this day, it was never divulged.

- 342 To make some little amends for this want of mettle, (for it proceeded from nothing else, they being most shy in subscribing, and most passionate against publishing, who were of unquestionable affection to his majesty, and integrity to his cause,) and that the world might see there was a combination among good men, to assist his majesty in the defence of the law, as well as there was against both by others; upon the king's declaring himself fully in council, where all the peers were present, "that he would not require or exact any obedience from them, but what should be warranted by the known law of the land; so he did expect that they would not yield to any commands not legally grounded or imposed by any other: that he would defend every one of them, and all such as should refuse any such commands, whether they proceeded from votes and orders of both houses, or any other way, from all dangers and hazards whatsoever. That his majesty would defend the true protestant religion, established by the law of the land; the lawful liberties of the subjects of England; and just privileges of all the three estates of parliament; and would require no further obedience from them, than as accordingly he should perform the same: and his majesty did further declare, that he would not, as was falsely pretended, engage them, or any of them, in any war against the parliament; except it were for his necessary defence and safety, against such as did insolently invade or attempt against his majesty, or such as should adhere to his majesty:" all the peers engaged themselves, "not to obey any orders or commands whatsoever, not warranted by the known laws of the land; and to defend his majesty's person, crown, and dignity, together with his

just and legal prerogative, against all persons and power whatsoever: that they would defend the true protestant religion established by the law of the land; the lawful liberties of the subject of England; and just privileges of his majesty, and both his houses of parliament: and, lastly, they engaged themselves not to obey any rule, order, or ordinance whatsoever, concerning any militia, that had not the royal assent."

343 This being subscribed by their lordships was with their consent immediately printed, and carefully divulged over the kingdom, bearing date at York the thirteenth of June, 1642, with the names of the subscribers. Two days after, his majesty in council taking notice of the rumours spread, and informations given, which might induce many to believe that his majesty intended to make war against his parliament,

344 "Professed before God, and said, he declared to all the world, that he always had, and did abhor all such designs, and desired all his nobility and council, who were there upon the place, to declare, whether they had not been witnesses of his frequent and earnest declarations and professions to that purpose: whether they saw any colour of preparations or counsels that might reasonably beget a belief of any such design, and whether they were not fully persuaded that his majesty had no such intention: but that all his endeavours, according to his many professions, tended to the firm and constant settlement of the true protestant religion; the just privileges of parliament; the liberty of the subject; the law, peace, and prosperity of this kingdom."

345 Whereupon all the lords and counsellors present unanimously agreed, and did sign a paper in these words:

346 "We, whose names are underwritten, in obedience to his majesty's desire, and out of the duty which we owe unto his majesty's honour, and to truth, being here upon the place, and witnesses of his majesty's frequent and earnest declarations and professions of his abhorring all designs of making war upon his parliament; and not seeing any colour of preparations or counsels, that might reasonably beget the belief of any such designs,

do profess before God, and testify to all the world, that we are fully persuaded that his majesty hath no such intention: but that all his endeavours tend to the firm and constant settlement of the true protestant religion; the just privileges of parliament; the liberty of the subject; the law, peace, and prosperity of this kingdom."

Which testimony and declaration was subscribed by the

Ld. Littleton, ld. keeper	D. of Richmond	Marquis of Hertford	E. of Lindsey
E. of Cumberland	E. of Bath	E. of Southampton	E. of Dorset
E. of Salisbury	E. of Northampton	E. of Devonshire	E. of Cambridge
E. of Bristol	E. of Clare	E. of Westmoreland	E. of Berkshire
E. of Monmouth	E. of Rivers	E. of Dover	E. of Carnarvon
E. of Newport	Ld. Mowbray & Matra	Ld. Willoughby of Eresby	Ld. Grey of Ruthen
Ld. Howard of Charlton	Ld. Newark	Ld. Paulett	Ld. Lovelace
Ld. Rich	Ld. Savil	Ld. Mohun	Ld. Coventry
Ld. Dunsmore	Ld. Seymour	Ld. Capell	
Lord Falkland	Sir P. Wich, controller	Secretary Nicholas	
	Sir Joh. Culpeper, c. exch	Lord chief justice Bankes	

347 This testimony of the lords and counsellors was immediately printed and published, together with a declaration of his majesty's; in which he said,

348 "That though he had, in the last seven months, met with so many several encounters of strange and unusual declarations, under the name of both his houses of parliament, that he should not be amazed at any new prodigy of that kind; and though their last of the twenty-sixth of May gave him a fair warning that, the contrivers of it having spent all their stock of bitter and reproachful language upon him, he was now to expect they should break out into some bold and disloyal actions against him: and having by that declaration, as far as in them lay, divested his majesty of that preeminence and authority which God, the law, the custom and consent of [this] nation had placed in him, and assumed it to themselves, that they should likewise, with expedition, put forth the fruits of that supreme power, for the violating and suppressing the other which they despised, (an effect of which resolution, he said, their wild declaration against his proclamation concerning the pretended ordinance for the militia, and the punishing of the proclaimers appeared to be,) yet, he must confess, in their last attempt (he said, he spake of the last he knew; they might probably since, or at that present,

have outdone that too) they had outdone what his majesty had conceived was their present intention. And whosoever heard of propositions and orders, for the bringing in of money or plate to maintain horse, horsemen, and arms, for the preservation of the public peace, or for the defence of the king and both houses of parliament, (such was their declaration, or what they please to call it, of the tenth of June,) would surely believe the peace of the kingdom to be extremely shaken, and at least the king himself to be consulted with, and privy to those propositions. But, he said, he hoped, that when his good subjects should find, that that goodly pretence of defending the king was but a specious bait to seduce weak and inconsiderate men into the highest acts of disobedience and disloyalty against his majesty, and of violence and destruction upon the laws and constitutions of the kingdom, they would no longer be captivated by an implicit reverence to the name of both houses of parliament, but would carefully examine and consider what number of persons were present, and what persons were prevalent in those consultations; and how the debates were probably managed from whence such horrid and monstrous conclusions did result; and would at least weigh the reputation, wisdom, and affection of those, who were notoriously known, out of the very horror of their proceedings, to have withdrawn themselves, or, by their skill and violence, to be driven from them and their councils.

349 “His majesty [said], whilst their fears and jealousies did arise, or were infused into the people, from discourses of the rebels in Ireland, of skippers at Rotterdam, of forces from Denmark, France, or Spain, (how improbable and ridiculous soever that bundle of information appeared to all wise and knowing men,) it was no wonder if the easiness to deceive, and the willingness to be deceived, did prevail over many of his weak subjects to believe, that the dangers which they did not see might proceed from causes which they did not understand: but for them to declare to all the world, that his majesty intended to make war against his parliament, (whilst he sat still complaining to God Almighty of the injury offered to him and to the very being of parliaments,) and that he had already began actually to levy forces both of horse and foot, (whilst he had only in a legal way provided a smaller guard for the security of his own person so near a rebellion at Hull, than

they had, without lawful authority, above [these] eight months, upon imaginary and impossible dangers,) to impose upon his people's sense, as well as their understanding, by telling them his majesty was doing that which they saw he was not doing, and intending that, they all knew, as much as intentions could be known, he was not intending, was a boldness agreeable to no power but the omnipotency of those votes whose absolute supremacy had almost brought confusion upon king and people, and against which no knowledge in matter of fact, or consent and authority in matter of law, they would endure should be opposed.

150 " His majesty said, he had, upon all occasions, with all possible expressions, professed his fast and unshaken resolutions for peace. And, he said, he did again, in the presence of Almighty God, his maker and redeemer, assure the world, that he had no more thought of making a war against his parliament than against his own children: that he would observe and maintain the acts assented to by him this parliament without violation; of which, that for the frequent assembling of parliaments was one: and that he had not, nor would have, any thought of using any force; unless he should be driven to it, for the security of his person, and for the defence of the religion, laws, and liberty of the kingdom, and the just rights and privileges of parliament: and therefore he hoped the malignant party, who had so much despised his person and usurped his office, should not, by their specious fraudulent insinuations, prevail with his good subjects to give credit to their wicked assertions; and so to contribute their power and assistance for the ruin and destruction of themselves and his majesty.

351 " For the guard about his person, (which, he said, not so much their example, as their provocation, had enforced him to take,) it was known it consisted of the prime gentry in fortune and reputation of that county; and of one regiment of trained bands; who had been so far from offering any affronts, injuries, or disturbance to any of his good subjects, that their principal end was to prevent such; and so, might be security, could be no grievance to his people. That some ill affected persons, or any persons, had been employed in other parts to raise troops, under colour of his majesty's service; or that such had made large, or any, offers of reward and preferment to such as would come in,

which had been alleged by them, was, he said, for aught he knew or believed, an untruth, devised by the contrivers of that false rumour. His majesty disavowed it, and said, he was confident there would be no need of such art or industry to induce his loving subjects, when they should see his majesty oppressed, and their liberties and laws confounded, (and till then he would not call on them,) to come in to him, and to assist him.

352 “For the delinquents, whom his majesty was said with a high and forcible hand to protect, he wished they might be named, and their delinquency: and if his majesty gave not satisfaction to justice, when he should have received satisfaction concerning sir John Hotham by his legal trial, then let him be blamed. But if the design were, as it was well known to be, after his majesty had been driven by force from his city of London, and kept by force from his town of Hull, to protect all those who were delinquents against him, and to make all those delinquents who attended on him, or executed his lawful commands, he said, he had great reason to be satisfied in the truth and justice of such accusation, lest to be his majesty's servant, and to be a delinquent, grew to be terms so convertible, that, in a short time, he were left as naked in attendance as they would have him in power; and so compel him to be waited on only by such whom they should appoint and allow; and in whose presence he should be more miserably alone, than in desolation itself. And if the seditious contrivers and fomenters of that scandal upon his majesty should have, as they had had, the power to mislead the major part present of either or both houses, to make such orders, and send such messages and messengers, as they had lately done, for the apprehension of the great earls and barons of England, as if they were rogues or felons; and whereby persons of honour and quality were made delinquents, merely for attending upon his majesty, and upon his summons; whilst other men were forbid to come near him, though obliged by the duty of their places and oaths, upon his lawful commands: it was no wonder if such messengers were not very well intreated; and such orders not well obeyed; neither could there be a surer or a cunninger way found out to render the authority of both houses scorned and vilified, than to assume to themselves (merely upon the authority of the name of parliament) a power monstrous to all understandings; and to do actions, and to make orders, evi-

dently and demonstrably contrary to all known law and reason, (as to take up arms against his majesty, under colour of defending him; to cause money to be brought in to them, and to forbid his own money to be paid to his majesty, or to his use, under colour that he would employ it ill; to beat him, and starve him for his own good, and by his power and authority,) which would in short time make the greatest court and greatest person cheap and of no estimation.

353 “ Who those men were sensible of the public calamities, of the violations of the privileges of parliament and the common liberty of the subject, who had been baffled and injured by malignant men and cavaliers about his majesty, his majesty said, he could not imagine. And if those cavaliers were so much without the fear of God and man, and so ready to commit all manner of outrage and violence, as was pretended, his majesty's government ought to be the more esteemed, which had kept them from doing so; insomuch as he believed no person had cause to complain of any injury or of any damage, in the least degree, by any man about his majesty, or who had offered his service to him. All which being, he said, duly considered, if the contrivers of those propositions and orders had been truly sensible of the obligations which lay upon them in honour, conscience, and duty, according to the high trust reposed in them by his majesty and his people, they would not have published such a sense and apprehension of imminent danger, when themselves in their consciences knew that the greatest, and indeed only danger, which threatened the church and state, the blessed religion and liberty of his people, was in their own desperate and seditious designs; and would not have endeavoured, upon such weak and groundless reasons, to seduce his good subjects from their affection and loyalty to him, to run themselves into actions unwarrantable, and destructive to the peace and foundation of the commonwealth.

354 “ And that all his loving subjects might see how causeless and groundless that scandalous rumour and imputation of his majesty's raising war upon his parliament was, he had, with that his declaration, caused to be printed the testimony of those lords, and other persons of his council, who were there with him; who, being upon the place, could not but discover such his intentions and preparations; and could not be suspected for their honours

and interests to combine in such mischievous and horrid resolutions.

355 "And therefore, his majesty said, he straitly charged and commanded all his loving subjects, upon their allegiance, and as they would answer the contrary at their perils, that they should yield no obedience or consent to the said propositions and orders; and that they presume not, under any such pretences, or by colour of any such orders, to raise or levy any horse or men, or to bring in any money or plate to such purpose. But, he said, if, notwithstanding that clear declaration and evidence of his intentions, those men (whose design it was to compel his majesty to raise war upon his parliament; which all their skill and malice should never be able to effect) should think fit, by those alarms, to awaken him to a more necessary care of the defence of himself and his people; and should themselves, under colour of defence, in so unheard of a manner provide (and seduce others to do so too) to offend his majesty, having given him so lively a testimony of their affections, what they were willing to do, when they should once have made themselves able; all his good subjects would think it necessary for his majesty to look to himself. And he did therefore excite all his well affected people, according to their oaths of allegiance and supremacy, and according to their solemn vow and protestation, (whereby they were obliged to defend his person, honour, and estate,) to contribute their best assistance to the preparations necessary for the opposing and suppressing of the traitorous attempts of such wicked and malignant persons; who would destroy his person, honour, and estate, and engage the whole kingdom in a civil war, to satisfy their own lawless fury and ambition; and so rob his good subjects of the blessed fruit of this present parliament; which they already in some degree had, and might still reap, to the abundant satisfaction and joy of the whole kingdom, if such wicked hands were not ready to ruin all their possessions and frustrate all their hopes. And, in that case, his majesty declared, that whosoever, of what degree or quality soever, should then, upon so urgent and visible necessity of his, and such apparent distraction of the kingdom, caused and begotten by the malice and contrivance of that malignant party, bring in to his majesty, and to his use, ready money or plate, or should underwrite to furnish any number of horse, horsemen, and arms, for the preservation

of the public peace, and defence of his person, and the vindication of the privilege and freedom of parliament, he would receive it as a most acceptable service, and as a testimony of his singular affection to the protestant religion, the laws, liberties, and peace of the kingdom; and would no longer desire the continuance of that affection, than he would be ready to justify and maintain the other with the hazard of his life."

356 And so concluded with the same overtures they had done in their propositions for the loan of money at interest;

"Offering, for security thereof, an assurance of such his lands, forests, parks, and houses, as should be sufficient for the same; a more real security, he said, than the name of public faith, given without him and against him; as if his majesty were no part of the public: and besides, he would always look upon it as a service most affectionately and seasonably performed for the preservation of his majesty and the kingdom. But, he said, he should be much gladder that their submission to those his commands, and their desisting from any such attempt of raising horse or men, might ease all his good subjects of that charge, trouble, and vexation."

7 It will be wondered at hereafter, when, by what hath been said, the number and quality of the peers is considered, who, by absenting themselves from the house, and their resort to his majesty, sufficiently declared that they liked not those conclusions which begat those distractions; why both those peers, and likewise such members of the commons, who then and afterwards appeared in the king's service, and were indeed full or very near one moiety of that house, did not rather by their diligent and faithful attendance in the houses, according to the several trusts reposed in them, discountenance and resist those pernicious and fatal transactions, than by withdrawing themselves from their proper stations leave the other (whose ruinous intentions were sufficiently discovered) possessed of the reputation, authority, and power of a parliament; by which it was evident the people would be easily, to a great degree, seduced. And though the observing reader

may, upon the collection of the several passages here set down, be able to answer those objections to himself; I am the rather induced in this place to apply myself to the clearing that point, because not only many honest men, who at a distance have considered it, without being privy to the passages within the walls and those breaches which totally destroyed and took away the liberty and freedom of those councils, have been really troubled or unsatisfied with that desertion, as they call it, of the service to which they were incumbent and chosen; but that I have heard some, who were the chief, if not the sole promoters of those violations, and the most violent pursuers of the most violent designs, and have since (out of the ruptures which have proceeded from their own animosities) either been, or been thought to be, more moderately inclined, complain, “that the withdrawing of so many members from the two houses was the principal cause of all our calamities.” And they who have been the true authors of them, and still continue the same, have taken pains to make and declare the others, “deserters of their country, and betrayers of their trusts, by their voluntary withdrawing themselves from that council.”

358 In the doing whereof, I shall not, I cannot, make any excuse for those, (of whom somewhat is before spoken,) who, from the beginning of this parliament, and in the whole progress of it, either out of laziness, or negligence, or incogitancy, or weariness, forbore to give their attendance there, when the number of those who really intended these prodigious alterations was very inconsiderable; and daily drew many to their opinions, upon no other ground than that the number of the dissenters appeared not equally diligent and intent upon their assertions: neither can I excuse the peers, the moderate part whereof being four for one, suffered themselves to be cozened, and persuaded, and threatened out of their rights by a handful

of men, whom they might in the beginning easily have crushed; whereas in the house of commons the great managers were men of notable parts, much reputation, admirable dexterity; pretenders to severe justice and regularity; and then the number of the weak and the wilful, who naturally were to be guided by them, always made up a major part; so that, from the beginning, they were always able to carry whatsoever they set their hearts visibly upon; at least, to discredit or disgrace any particular man against whom they thought necessary to proceed, albeit of the most unblemished reputation and upon the most frivolous suggestions; so that they could not [but] be very formidable in that house to all but the most abstracted men from all vulgar considerations.

359 But, I am confident, whoever diligently revolves the several passages in both houses, from the time of the publishing the first remonstrance upon his majesty's return from Scotland to the time of which we last spake, must be of opinion, that the resorting of so many members then to his majesty, (from whom all the lords, and some of the commons, received commands to that purpose,) or to such places where they thought they might be of greatest use to his majesty, in preservation of the peace of the kingdom, was not only an act of duty, but of such prudence and discretion, as sober and honest men were to be guided by. In the house of peers, the bishops, twenty-four in number, who had as much right to sit there and were as much members of parliament as any lord there, were first by direct violence and force driven and kept from thence, till the bill for the total expulsion of them and their function from those seats was passed; such of the peers, who were most notorious for adhering to the government of the church, being in the mean time threatened publicly by the rabble; and some of their persons assaulted. The business of the militia had been twice, upon solemn debate in a full house, rejected there; till

such force and violence was brought to the very doors, such expostulations and threats delivered within the doors against those who refused to concur with them in that business, that no man had reason to believe his life out of danger from those rude hands, who was taken notice of for an opposer of their unreasonable desires; some of them having been declared enemies to their country, for having refused what was in their power lawfully to refuse; and others having been criminally accused by the commons, for words spoken by them in debate in the house of peers; after which many of them were sent for, by special letters, to attend his majesty, (which letters were always thought to be so good and warrantable a ground to be absent, that no other was sufficient; nor had such summons, from the beginning of parliaments to this present, ever been neglected,) with whom they had not been many weeks, but two of them, as hath been mentioned before, upon an untrue and extravagant information, without further examination, were declared enemies to the kingdom: and nine others by solemn judgment, upon an impeachment brought up by the commons against them, only for being absent, and for what only concerned the privilege and jurisdiction of the peers, were disabled to sit in the house again during this session; so that, if they would have returned, they were actually excluded that council.

360 In the house of commons the case was worse: first, they who had, with that liberty which is essential to parliaments and according to their understandings, dissented or declared a dislike of what the violent party so vehemently pursued, were, as hath been said before, declared enemies to their country; and their names posted up in paper or parchment at most eminent places under some opprobrious character; which, though it was not avowed, and had no authority from the house by any public act, yet, being complained of, found neither re-

dress, or such countenance, that it could be concluded the violation was unacceptable: so, though the tumults were not directly summoned or assembled, it is evident, by what hath been before set forth truly and at large, that they found there visible countenance and encouragement.

161 Then, what had been, upon full and solemn debates in a full house, rejected, was many times, in a thin house, and at unusual and unparliamentary hours, resumed, and determined contrary to the former conclusions: yet men satisfied themselves with doing what they thought their duty, and reasonably opposing what the major part ordered to be done; hoping that men's understandings would be shortly better informed; and that, though high and irreverent expressions and words were sometimes used against the king, there would be abstaining from unlawful and dangerous actions; and that the house of peers, at least, would never be brought to join or concur in any act prejudicial to the sovereign power. But when they saw a new way found out by the dexterity of the major part in the house of commons, to make the minor part of the lords too hard for the major; and so, whilst all men were transported with jealousy of the breach of privilege of parliament by the king, that there was, by the houses themselves, an absolute rooting up of all privileges: that from metaphysical considerations, what *might* be done in case of necessity, the militia of the kingdom was actually seized on; and put under a command contrary to and against the king's command: that there was then a resolution taken, by those who could act their resolutions when they pleased, to make a general, and to oblige all the members to live and die with that general; which will be anon more particularly mentioned; (for that resolution was well known before the time, that those many members removed to York, and withdrew to other places; and was executed within three or four days after;) men thought it high time to look to their innocence, and (since, by the course

and order of that house, they could leave no monument or evidence of their dissenting, as the lords might have, by their protestations upon any unlawful act or resolution) to declare their dislike of what was done, by not being present at the doing: and it was reasonably thought, there being no other way peaceably and securely to do it, that the kingdom, understanding the number of those that were present at such new transactions, and weighing the quality, number, and reputation of those who were absent, would be best induced to prefer the old laws of the kingdom, before the new votes (destructive to those laws) of those few men who called themselves the two houses of parliament; and that it would prove a good expedient to work upon the conscience and modesty of those who staid behind, to conclude it necessary, by some fair address to his majesty, to endeavour such a general good understanding, that a perfect union might be made; and the privilege, dignity, and security of parliament be established according to the true and just constitution of it.

362 It is true, how reasonably soever it might be expected, it produced not that ingenuity: but they who had been troubled with their company, and, by the opposition they made, could not make that expedition in the mischief they intended, were glad they were rid of them; yet, shortly, consider[ing] what influence indeed it might have upon understanding men, they found a way to cast a reproach upon them who were absent, and yet to prevent any inconvenience to themselves by their return; publishing an order, "that all the members absent should appear at such a day, under the penalty of paying £100 fine for his absence; and whosoever did not appear at that day" (which gave not time enough to any who were at a distance) "should not presume to sit in the house before he had paid his fine, or satisfied the house with the cause of his absence;" so that all those who were

with the king, and very many more, who had really withdrawn themselves to refresh their minds, or upon necessary affairs of their own, with a purpose to return, clearly discerned themselves excluded from sitting any more there; it being sufficiently manifest, that the cause of their absence would never be approved, if their persons were disliked and their opinions disapproved; which appeared quickly; for the day was no sooner past, but they, without the least warrant of precedent or colour of right, expelled very many, sometimes twenty in a day, not only of those who were with the king, but of others who had given them equal distaste; and ordered new writs to issue out to choose other members in their rooms.

163 It cannot be denied but some very honest and entire men staid still there, and opposed all their unjustifiable proceedings with great courage and much liberty of speech; which was more frankly permitted to them than had been before, when the number of the dissenters was greater; and it may be there are still some who satisfy themselves that they have performed their duty, by always having denied to give their consent to whatsoever hath been seditiously or illegally concluded. But I must appeal to the consciences of those very men, whether they have not been many times, by staying there, compelled or terrified to do, and submit to, many acts contrary to their conscience, in cases of conscience; and contrary to their judgment and knowledge, in matters of law and right; and contrary to their oaths and duties, in matters of allegiance; and whether, if they had refused so to do, they should not have been plundered, expelled, and committed to prison? And then they cannot be thought to have proceeded unreasonably, who, to preserve their innocence and their liberty, chose to undergo all the other censures and difficulties which

could befall them, and which have been since plentifully poured upon them. But to return.

.364 The king had, at this time, called to him some judges and lawyers of eminency; by whose advice he published a declaration concerning the militia, and asserted "the right of the crown in granting commissions of array, for the better ordering and governing thereof;" and, at the same time, issued out those commissions to all counties, "expressly forbidding any obedience to be given to the ordinance for the militia by both houses, under the penalty of high treason." This only improved the paper combat in declarations; either party insisting, "that the law was on their side;" and the people giving obedience to either, according to their conveniences: and many did believe, that if the king had resorted to the old known way of lord lieutenants and deputy lieutenants, his service would have been better carried on; the commission of array being a thing they had not before heard of, though founded upon an ancient act of parliament in the reign of Hen. IV. and so [was] received with jealousy, and easily discredited by the glosses and suggestions of the houses.

365 Besides that some men of very good affections to the crown, and averse enough to the extravagant pretences and proceedings of the parliament, did not conceal their prejudice to the commission of array, as not warranted by law; which did very much work upon other men, and made the obedience less cheerful that was given to that service. Mr. Selden had, in the debate upon that subject in the house of commons, declared himself very positively and with much sharpness against the commission of array, as a thing expressly without any authority of law; the statute upon which it was grounded being, as he said, repealed; and discoursed very much of the ill consequences which might result from submitting to it;

he answered the arguments which had been used to support it; and easily prevailed with the house not to like a proceeding, which they knew was intended to do them hurt and to lessen their authority. But his authority and reputation prevailed much further than the house, and begot a prejudice against it in many well affected men. When the king was informed of it, he was much troubled, having looked upon Mr. Selden as well disposed to his service. And the lord Falkland, with his majesty's leave, writ a friendly letter to Mr. Selden, "to know his reason, why, in such a conjuncture, whatever his opinion [were], he would oppose the submission to the commission of array, which nobody could deny to have had its original from law and that many learned men still believed to be very legal, that the ordinance which had no manner of pretence to right might be the better established." He answered this letter very frankly; as a man who believed himself in the right upon the commission of array, and that the arguments he had used against it could not be answered; summing up some of those arguments in as few words as they could be comprehended [in]: but then he did as frankly inveigh against the ordinance for the militia, "which, he said, was without any shadow of law, or pretence of precedent, and most destructive to the government of the kingdom: and he did acknowledge, that he had been the more inclined to make that discourse in the house against [the] commission, that he might with the more freedom argue [against] the ordinance; which was to be reconsidered upon a day then appointed: and he was most confident that he should likewise overthrow the ordinance: which, he confessed, could be less supported; and he did believe, that it would be much better, if both were rejected, than if either of them should stand, and remain uncontrolled." But his confidence deceived him; and he quickly found, that they who suffered themselves

to be entirely governed by his reason, when those conclusions resulted from it which contributed to their own designs, would not be at all guided by it, or submit to it, when it persuaded that which contradicted and would disappoint those designs: and so, upon the day appointed for the debate of their ordinance, when he applied all his faculties to the convincing them of the illegality and monstrosity of it, by arguments at least as clear and demonstrable as his former had been, they made no impression upon them; but were easily answered by those who with most passion insisted upon their own sense. He had satisfied them very well, when he concurred with them in judgment; but his reasons were weak, when they crossed their resolutions. So most men are deceived in being too reasonable, and when they conclude that men will submit to what is right who have no other consideration of right or justice but as it advances their interest or complies with their humour and passion. And so easy it hath always been to do harm, and to mislead men, and so hard to do good, and reduce them to reason.

366 These paper-skirmishes left neither side better inclined to the other; but, by sharpening each other, drew the matter nearer to an issue. The king had written a letter to the mayor and aldermen of London, and to the masters and wardens of each several company, by which

367 “ He assured them of his desire of the peace of the kingdom; and therefore required them, as they tendered their charter of the city, and their own particular welfares, not to bring in horses, money, or plate, upon the propositions of the houses; whereby, under pretence of raising a guard for the parliament, forces would be levied, and, in truth, employed against his majesty:”

368 Of which the houses taking notice, published a declaration to the city,

“ That they could not be secured by his majesty's protestations,

that his desires and purposes were for the public peace ; since it appeared, by divers expressions and proceedings of his majesty, that he intended to use force against those who submitted to the ordinance of the militia ; and that he had likewise some intention of making an attempt upon Hull. In both which cases they did declare, that whatsoever violence should be used, either against those who exercise the militia, or against Hull, they could not but believe it as done against the parliament. They told them, that the dangerous and mischievous intentions of some about his majesty were such, that whatsoever was most precious to men of conscience and honour, as religion, liberty, and public safety, were like to be overwhelmed and lost in the general confusion and calamity of the kingdom ; which would not only question, but overthrow the charter of the city of London ; expose the citizens, their wives and children, to violence and villainy ; and leave the wealth of that famous city as a prey to those desperate and necessitous persons : and therefore they forbade all the officers to publish that paper, as they would answer their contempt to the parliament ; by the power and authority of which, they assured them, they should be protected, and secured in their persons, liberties, and estates, for whatsoever they should do by their advice or persuasion."

To this the king replied,

169 " That he wondered, since they had usurped the supreme power to themselves, that they had not taken upon them the supreme style too ; and directed their very new declaration to their trusty and well-beloved, their subjects of the city of London : for it was too great and palpable a scorn, to persuade them to take up arms against his person under colour of being loving subjects to his office ; and to destroy his person, that they might preserve the king : that he was beholding to them, that they had explained to all his good subjects the meaning of their charge against his majesty, that by his intention of making war against his parliament, no more was pretended to be meant, but his resolution not to submit to the high injustice and indignity of the ordinance for the militia and the business of Hull. He said, he had never concealed his intentions in either of those particulars, (he wished they would deal as clearly with him,) but had always, and did now declare, that that pretended ordinance

was against the law of the land; against the liberty and property of the subject; destructive to sovereignty; and therefore not consistent with the very constitution and essence of the kingdom, and to the right and privilege of parliament: that he was bound by his oath (and all his subjects were bound by theirs of allegiance and supremacy, and their own protestation lately taken, to assist his majesty) to oppose that ordinance, which was put already in execution against him, not only by training and arming his subjects, but by forcibly removing the magazine, from the places trusted by the counties, to their own houses, and guarding it there with armed men. Whither it would be next removed, or how used by such persons, he knew not.

370 “ That the keeping his majesty out of Hull by sir John Hotham, was an act of high treason against his majesty; and the taking away his magazine and munition from him, was an act of violence upon his majesty, by what hands or by whose direction soever it was done: and, in both cases, by the help of God, and the law, his majesty said, he would have justice, or lose his life in the requiring it; the which he did not value at that rate, as to preserve it with the infamy of suffering himself to be robbed and spoiled of that dignity he was born to. And if it were possible for his good subjects to believe, that such a defence of himself, with the utmost power and strength he could raise, was making a war against his parliament, he did not doubt, however it should please God to dispose of him in that contention, but the justice of his cause would, at the last, prevail against those few malignant spirits, who, for their own ends and ambitious designs, had so misled and corrupted the understandings of his people. And since neither his own declaration, nor the testimony of so many of his lords, then with his majesty, could procure credit with those men, but that they proceeded to levy horse, and to raise money and arms against his majesty, he said, he was not to be blamed, if after so many gracious expostulations with them, upon undeniable principles of law and reason, (which they answered only by voting that which his majesty said, to be neither law nor reason; and so proceeded actually to levy war upon his majesty, to justify that which could not be otherwise defended,) at last he made such provision, that as he had been driven from London, and kept from Hull, he might not be surprised at York; but in a condition to resist, and bring

to justice those men, who would persuade his people that their religion was in danger, because his majesty would not consent it should be in their power to alter it by their votes; or their liberty in danger, because he would allow no judge of that liberty, but the known law of the land: yet, he said, whatever provision he should be compelled to make for his security, he would be ready to lay down, as soon as they should revoke the orders by which they had made levies, and submitted those persons who had detained his towns, carried away his arms, and put the militia in execution, contrary to his proclamation, to that trial of their innocence which the law had directed, and to which they were born: if that were not submitted to, he should, with as good a conscience, proceed against those who should presume to exercise that pretended ordinance for the militia, and the other who should keep his town of Hull from him, as he would resist persons who came to take away his life or his crown from him.

371 " And therefore his majesty again remembered, and required his city of London to obey his former commands, and not to be misled by the orations of those men who were made desperate by their fortunes, or their fortunes by them; who told them their religion, liberty, and property, was to be preserved no other way but by their disloyalty to his majesty: that they were now at the brink of the river, and might draw their swords, (which was an expression used at a great convention of the city,) when nothing pursued them but their own evil consciences. He wished them to consider, whether their estates came to them, and were settled upon them, by orders of both houses, or by that law which his majesty defended: what security they could have to enjoy their own, when they had helped to rob his majesty; and what an happy conclusion that war was like to have, which was raised to oppress their sovereign: that the wealth and glory of their city was not like to be destroyed any other way, but (and that way inevitably it must) by rebelling against his majesty; nor their wives and children to be exposed to violence and villainy, but by those who make their appetite and will the measure and guide to all their actions. He advised them not to fancy to themselves melancholic apprehensions, which were capable of no satisfaction; but seriously to consider what security they could have, that they had not

under his majesty, or [had] been offered by him : and whether the doctrine those men taught, and would have them defend, did not destroy the foundations upon which their security was built ?”

372 This great conflux of men of all conditions and qualities and humours could not continue long together at York without some impatience and commotion ; and most men wondered that there appeared no provision to be made towards a war, which they saw would be inevitable : and when the levies of soldiers under the earl of Essex were hastened with so much vigour, that the king should have no other preparation towards an army, than a single troop of guards made up of gentlemen volunteers ; who, all men foresaw, would quit the troop when there should be an army : and many do yet believe, that the king too long deferred his recourse to arms, and that if he had raised forces upon his first repulse at Hull his service would have been very much advanced, and that the parliament would not have been able to have drawn an army together. And so they reproach the councils which were then about the king, as they were censured by many at that time : but neither they then nor these now do understand the true reason thereof. The king had not at that time one barrel of powder nor one musket, nor any other provision necessary for an army ; and, which was worse, was not sure of any port to which they might be securely assigned ; nor had he money for the support of his own table for the term of one month. He expected, with impatience, the arrival of all these by the care and activity of the queen ; who was then in Holland, and by the sale of her own, as well as of the crown jewels, and by the friendship of Henry prince of Orange, did all she could to provide all that was necessary ; and the king had newly directed her to send all to Newcastle, which was but then secured to him by

the diligence of that earl. In the mean time, both the king himself, and they who best knew the state of his affairs, seemed to be without any thoughts of making war; and to hope, that the parliament would at last incline to some accommodation; for which both his majesty and those persons were exposed to a thousand reproaches.

373 The queen had many difficulties to contend with; for though the prince of Orange had a very signal affection for the king's service, and did all he could to dispose the states to concern themselves in his majesty's quarrel; yet his authority and interest was much diminished with the vigour of his body and mind: and the states of Holland were so far from being inclined to the king, that they did him all the mischief they could. They had before assisted the rebellion in Scotland, with giving them credit for arms and ammunition, before they had money to buy any; and they did afterwards, several ways, discover their affections to the parliament; which had so many spies there, that the queen could do nothing they had not present notice of; so that it was no easy matter for the queen to provide arms and ammunition, but the parliament had present notice of it, and of the ways which were thought upon to transport them to the king: and then their fleet, under the command of the earl of Warwick, lay ready to obstruct and intercept that communication; nor was any remedy in view to remove this mischief; insomuch as it was no easy thing for the king to send to, or to receive letters from, the queen.

374 There was a small ship of 28 or 30 guns, that was part of the fleet that wafted her majesty into Holland from Dover, which was called the Providence, under the command of captain Straughan, when the fleet was commanded by sir John Pennington, and before the earl of Warwick was superinduced into that charge against the king's will. That ship, the captain whereof was known

to be faithful to his majesty, was by the queen detained, and kept in Holland from the time of her majesty's arrival, under several pretences, of which the captain made use, when he afterwards received orders from the earl of Warwick, "to repair to the fleet in the Downs;" until, after many promises and excuses, it was at last discerned that he had other business and commands; and so was watched by the other ships as an enemy. This vessel the queen resolved to send to the king, principally to inform his majesty of the straits she was in; of the provisions she had made; and to return with such particular advice and directions from his majesty, that she might take further resolutions. And because the vessel was light, and drew not much water, and so could run into any creek, or open road or harbour, and from thence easily send an express to the king; there was put into it about two hundred barrels of powder, and two or three thousand arms, with seven or eight field-pieces; which they knew would be very welcome to the king, and serve for a beginning and countenance to draw forces together. The captain was no sooner put to sea, but notice was sent to the fleet in the Downs; who immediately sent three or four ships to the north, which easily got the Providence in view, before it could reach that coast; and chased it with all their sails, till they saw it enter into the river of Humber; when, looking upon it as their own, they made less haste to follow it, being content to drive it before them into their own port of Hull; there being, as they thought, no other way to escape them; until they plainly saw the ship entering into a narrow creek out of the Humber, which declined Hull, and led into the country some miles above it; which was a place well known to the captain, and designed by him from the beginning. It was in vain for them then to hasten their pursuit; for they quickly found that their great ships could not enter into that passage,

and that the river was too shallow to follow him; and so, with shame and anger, they gave over the chase, whilst the captain continued his course; and having never thought of saving the ship, run it on shore near Burlington; and, with all expedition, gave notice to the king of his arrival; who immediately caused the persons of quality in the parts adjacent to draw the trained bands of the country together, to secure the incursions from Hull; and by this means the arms, ammunition, and artillery were quickly brought to York.

175 The king was well content that it should be generally believed, that this small ship, the size whereof was known to few, had brought a greater quantity and proportion of provisions for the war than in truth it had; and therefore, though it had brought no money, which he expected, he forthwith granted commissions to raise regiments of horse and foot to such persons of quality and interest as were able to comply with their obligations. He declared the earl of Lindsey, lord high chamberlain of England, his general of the army; a person of great honour and courage, and generally beloved; who had many years before had good command in Holland and Germany, and had been admiral at sea in several expeditions. Sir Jacob Ashley was declared major general of the foot, a command he was very equal to, and had exercised before, and executed after, with great approbation. The generalship of the horse his majesty reserved for his nephew prince Rupert; who was daily expected, and arrived soon after: and all levies were hastened with as much expedition as was possible in so great a scarcity and notorious want of money; of which no more need be said, after it is remembered that all the lords, and council about the king, with several other persons of quality, voluntarily made a subscription for the payment of so many horse for three months; in which time they would needs believe that the war should be at an end;

every one paying down what the three months' pay would amount to into the hands of a treasurer appointed to receive it; and this money was presently paid for the making those levies of horse which were designed; and which could not have been made but by those monies.

376 And now the king thought it time to execute a resolution he had long intended, and which many men wondered he neglected so long; which was, as much as in him lay, to take the admiralty into his own hands. He had long too much cause to be unsatisfied and displeased with the earl of Northumberland; whom he thought he had obliged above any man whatsoever. His delivering the fleet into the hands and command of the earl of Warwick, after his majesty had expressly refused it to the parliament, he resolved never to forgive; however, he thought it not then seasonable to resent it, because he had nothing to object against him, but his compliance with the command of the parliament, which would have made and owned it as their own quarrel; and must have obliged him [that earl] to put his whole interest into their hands, and to have run their fortune; to which he was naturally too much inclined: and then his majesty foresaw, that there would have been no fleet at all set out that year, by their having the command of all the money which was to be applied to that service. Whereas, by his majesty's concealing his resentment, there was a good fleet made ready, and set out; and many gentlemen settled in the command of ships, of whose affection and fidelity his majesty was assured, that no superior officer could corrupt it; but that they would at all times repair to his service, whenever he required it. And indeed his majesty had an opinion of the devotion of the whole body of the common seamen to his service, because he had, bountifully, so much mended their condition and increased their pay, that he thought they would have thrown the earl of

Warwick overboard when he should command them; and so the respiting the doing it would be of little importance. But now, that a ship of his own, in the execution of his commands, should be chased by his own fleet as an enemy, made such a noise in all places, even to his reproach and dishonour, that he could no longer defer the doing what he had so long thought of. He resolved, therefore, to revoke the earl of Northumberland's commission of the office of high admiral of England, and to send the revocation to him under the great seal of England: then, to send sir John Pennington, who was then at York, on board the fleet, and to take the charge of it: and letters were prepared, and signed by the king, to every one of the captains; whereby they were required "to observe the orders of sir John Pennington." And all this was carried with all possible secrecy, that none, but those few who were trusted, knew or suspected any such alteration.

But the king thought fit first to advise with sir John Pennington; of whose integrity he was confident, and whose judgment he always principally relied on in all his maritime actions; and thought him the only person [fit] immediately to take the fleet out of the earl of Warwick's possession; who had dispossessed him of the command that year, which he had usually exercised. Sir John Pennington, finding the matter full of difficulty, and the execution like to meet with some interruptions, expressed no alacrity to undertake it in his own person; alleging, "that himself stood in the parliament's disfavour and jealousy, (which was true,) and that therefore his motion, and journey towards the Downs, where the fleet then lay, would be immediately taken notice of; and his majesty's design be so much guessed at, that there would need no other discovery:" but propounded to his majesty, "that he would send a letter to sir Robert Mansel, who lived at Green-

wich, speedily to go to the fleet, and to take charge of it; and that his authority, being vice-admiral of England, and his known and great reputation with the seamen, would be like to meet with the least resistance." His majesty, imparting this counsel to those whom he had made privy to his purpose, entered upon new considerations; and concluded, "that sir Robert Mansel's age, (though his courage and integrity were unquestionable,) and the accidents that depended upon that, would render that expedient most hazardous; and that, in truth, there needed no such absolute and supreme officer to be appointed in the first article; but that rather, his majesty should direct his special letter to the captain of every ship, requiring him immediately to weigh anchor, and to bring away his ship to such a place as his majesty might appoint, where he should receive further orders: and to that place he might send such an officer as he thought fit to trust with the command of the whole navy so assembled." And according to this resolution the whole despatch was prepared. First, a revocation of the earl of Northumberland's commission of admiral, under the great seal of England; of which there was a duplicate; the one to be sent to his lordship; the other to the earl of Warwick; whose commission was founded upon, and so determined by, the other. Then a several letter to each of the captains of his ships, informing them "of his majesty's revocation of the admiral's patent, and consequently of the determination of the earl of Warwick's commission," (to whom his majesty likewise writ, to "inhibit him from further meddling in that charge,") and therefore commanding them to yield no further obedience to either of their orders; but that, immediately upon the receipt of those his royal letters, he should weigh anchor; and, with what speed he might, repair to Burlington-bay upon the coast of Yorkshire;

where he should receive his majesty's further pleasure: and so each commander, without relation to any other commands, had no more to look after but his own ship and his own duty, by which the king might expect at least so many ships as were under the government of those who had any affection or fidelity to his service.

378 Accordingly, all things being prepared, and signed by the king, and sealed, what immediately concerned the earl of Northumberland was delivered to Mr. May, his majesty's page, to be given to the earl of Northumberland at London; and the whole despatch to the fleet to Mr. Edward Villiers, whose diligence and dexterity his majesty found fit for any trust; the former being directed "not to make such haste, but that the other might be at least as soon at the Downs as he at London;" and Mr. Villiers again being appointed what letters he should first deliver to the captains; "and that he should visit the earl of Warwick in the last place;" that his activity might have no influence upon the seamen, to prevent their obedience to his majesty. And surely if this resolution had been pursued, it is very probable that the king had been master of very many of his ships again. But, when the messengers were despatched and well instructed, and he that was for London gone on his journey, there was a sudden and unexpected change of the whole direction to the fleet, by sir John Pennington's repair to his majesty; and, upon second thoughts, offering "to go himself to the Downs, and to take charge of the fleet:" which changed the forms of the letters to the several captains; and, instead of leaving every one to use his best expedition to bring away his own ship to Burlington, "required them only to observe such orders as they should receive from sir John Pennington;" who thought not fit (for the reasons formerly given of his being taken notice of) to go with Mr. Villiers; but, by him,

writ to sir Henry Palmer, to whom likewise his majesty sent a letter to that purpose, being an officer of the navy, and who lived by the Downs, "immediately to go aboard the admiral; and [that he] himself would make all possible haste to him, setting out at the same time with Mr. Villiers; but journeying a further and more private way." Mr. Villiers, lest by his stay for the alteration of his despatches his companion's coming to London sooner than was expected at their parting might produce some inconvenience to the service, slept not till he came to sir Henry Palmer; who, being infirm in his health, and surprised with the command, could not make that expedition aboard as might have been requisite; though he was loyally and zealously affected to his majesty's service. However, Mr. Villiers hastened to the ships which lay then at anchor, and, according to his instructions, delivered his several letters to the captains; the greatest part whereof received them with great expressions of duty and submission, expecting only to receive sir John Pennington's orders, for which they staid; and, without doubt, if either the first letters had been sent, or sir John Pennington been present, when these other were delivered, his majesty had been possessed of his whole fleet; the earl of Warwick being at that time, according to his usual licenses, with some officers whose company he liked, on shore making merry; so that there was only his vice-admiral, captain Batten, on board, who was of eminent disaffection to his majesty; the rear-admiral, sir John Mennes, being of unquestionable integrity.

379 But after five or six hours, (in which time nothing could be acted, for want of advice and direction; enough being ready to obey, but none having authority to command,) the earl of Warwick came aboard his ship, to whom Mr. Villiers likewise gave his majesty's letters of discharge; who, without any declaration of disobeying it

applied himself to the confirming those whom he thought true to his party, and diligently to watch the rest; presuming, that he should speedily hear from those by whom he had been originally trusted.

380 In the mean time, the captains expected orders from sir John Pennington; who likewise privately expected such an account from sir Henry Palmer as might encourage him to come to the ships. But this unfortunate delay lost all; for the other gentleman, according to his instructions, having reached London in the evening after the houses were risen, delivered the king's letter, and the discharge of his commission, to the earl of Northumberland; who, with all shows of duty and submission, expressed "his resolution to obey his majesty; and a hearty sorrow, that he had, by any misfortune, incurred his majesty's displeasure." How ingenuous soever this demeanour of his lordship's was, the business was quickly known to those who were more concerned in it; who were exceedingly perplexed with the apprehension of being dispossessed of so great a part of their strength as the royal fleet; and earnestly pressed the earl of Northumberland, "that, notwithstanding such his majesty's revocation, he would still continue the execution of his office of lord high admiral; in which they would assist him with their utmost and full power and authority." But his lordship alleging, "that it would ill become him, who had received that charge from the king, with so notable circumstances of trust and favour, to continue the possession thereof against his express pleasure, there being a clause in his grant, that it should be only during such time as his majesty thought fit to use his service;" and so "utterly refusing to meddle further in it;" as soon as they could get the houses together the next morning, they easily agreed to pass an ordinance, as they call it, "to appoint the earl of Warwick to be admiral of that

fleet, with as full and ample authority as he had before had from the earl of Northumberland." Which ordinance, together with letters, and votes of encouragement to his lordship, and to the officers and seamen, they speedily sent, by a member of their own; who arrived therewith the next morning, after Mr. Villiers had delivered the king's letters; sir John Pennington in the mean time neither coming or sending any further advice.

381 The earl of Warwick, being thus armed, found himself master of his work; and immediately summoned all the captains, to attend him at his ship in council; the which all but two did, (captain Slingsby and captain Wake,) who, being by his majesty's letters, as the rest were, expressly charged to yield no further obedience to the earl of Warwick, refused to repair to him; making themselves ready to resist any violence, and putting their ships in order to go out to sea, that they might be at liberty to attend his majesty's commands: but they were so encompassed by the whole fleet, and the dexterity of the earl's ministers was such, and the devotion generally of the seamen so tainted and corrupted to the king's service, that, instead of carrying away the ships, the captains themselves were seized, taken, and carried by their own men to the earl; who immediately committed them to custody, and sent them up prisoners to the parliament. Then his lordship communicated the ordinance, letters, and votes from the two houses to the rest of the officers; of whom only two more refused to continue their charge against the signification they had received from the king, (sir John Mennes and captain Burly,) who were quickly discharged, and set on shore; and the rest, without any scruple or hesitation, "obliged themselves to obey the earl of Warwick, in the service of the parliament;" so that the storm was now over, and the parliament fully

and entirely possessed of the whole royal navy, and militia by sea; for they quickly disposed of the two honest captains, Kettleby and Stradlin, (whom they could not corrupt,) who guarded the Irish seas; and got those ships likewise into their service. And [thus] his majesty [was] without one ship of his own in his three kingdoms at his devotion.

382 As this loss of the whole navy was of unspeakable ill consequence to the king's affairs, and made his condition much the less considered by his allies and neighbour princes; who saw the sovereignty of the sea now in other hands, who were more imperious upon the apprehension of any discourtesies than regular and lawful monarchs used to be; I cannot but observe some unhappy circumstances and accidents in this important business of the navy, which looked like the hand of Providence to take that strength, of which his majesty was most confident, out of his hands. When the resolution of the house of commons, and, after, the concurrence of the lords, was peremptory, and the earl of Northumberland's compliance with them as obstinate, "for the sending the earl of Warwick admiral of that fleet, in the place of sir John Pennington, upon whom the king depended;" it was resolved likewise, "that captain Carteret, controller of his majesty's navy, a man of great eminency and reputation in naval command, should be vice-admiral;" he thinking it became his near relation to his majesty's service, to receive his royal pleasure, before he engaged himself in any employment of that nature, addressed himself for his princely directions. The king thought his fleet upon the matter taken from him, when another, whose disaffection to his service was very notorious, was, contrary to his express pleasure, presumptuously put into the command of it, and his own minister displaced for no other reason (his sufficiency and ability for command being by all

men confessed) but his zeal and integrity to him, and therefore he would not countenance that fleet, and that admiral, with suffering an officer of his own to command in it under the other; and so wished captain Carteret to decline the employment, which he prudently, and without noise, did; and thereupon, another officer of the navy, even the surveyor general, captain Batten, a man of very different inclinations to his master and his service, and furious in the new fancies of religion, was substituted in the place: whereas if captain Carteret had been suffered to have taken that charge, his interest and reputation in the navy was so great, and his diligence and dexterity in command so eminent, that I verily believe, he would, against whatsoever the earl of Warwick could have done, [have] preserved a major part of the fleet in their duty to the king. The misfortunes which happened after, and are mentioned before, are not in justice to be imputed to sir John Pennington, (who, sure, was a very honest gentleman, and of unshaken faithfulness and integrity to the king,) but to the little time he had to think of it, and the perplexity he was in (besides his true zeal to the service) to think that so great a service as the recovery of the royal navy should be done [without] his personal engagement, and to look so vigilantly to his own security, that, instead of taking the fleet from the earl of Warwick, he was not himself taken by the earl, and sent to the parliament; where the carrying over the lord Digby, and some other jealousies, had left a great arrear of displeasure against him.

383 The truth is, the king was so confident upon the general affections of the seamen, who were a tribe of people more particularly countenanced and obliged by him than other men, his majesty having increased their allowance, in provision and money, above the old establishment of the navy, that he did believe no activity

of ill officers could have corrupted them; but that, when the parliament had set out and victualled the fleet, it would, upon any occasion, declare itself at his devotion. On the other side, they had been taught to believe, that all the king's bounty and grace towards them had flowed from the mediation of those officers who were now engaged against the king; and that, the parliament having seized the customs, and all other the revenues of the king, they had no other hope of pay or subsistence but by absolutely devoting themselves to their service; so that a greater or more general defection of any one order of men was never known, than that, at this time, of the seamen; though many gentlemen, and some few of the common sort, to their lasting honour and reputation, either addressed themselves to the active service of their sovereign, or suffered imprisonment, and the loss of all they had, for refusing to serve against him.

384 The news of this diminution of his majesty's power, and terrible addition of strength to his enemies, was a great allay to the brisk hopes at York, upon the arrival of their ammunition, and wise men easily discerned the fatal consequence of it in opposition to the most hopeful designs; yet, in a very short time, all visible sense of it so much vanished, that (as there was a marvellous alacrity at that time in despising all advantages of the parliament) men publicly, and with great confidence, averred, "that the king was a gainer by the loss of his fleet, because he had no money to pay the seamen, or keep them together; and that one victory at land, of which there was no doubt, would restore him to his dominion at sea, and to whatsoever had been unjustly taken from his majesty."

385 But the king found it was now time to do more than write declarations, that [the parliament] were now entirely possessed of the militia by sea, and

made such a progress in the attempt to resume the same at land, that though the people generally, (except in great towns and corporations, where, besides the natural malignity, the factious lecturers and emissaries from the parliament had poisoned the affections,) and especially those of quality, were loyally inclined; yet the terror of the house of commons was so great, which sent for and grievously punished those sheriffs and mayors, who published, according to their duties and express oaths, his majesty's proclamations, and those ministers, who, according to his injunctions, read and divulged his declarations, that all such, and indeed all others eminently affected to the king, were forced to fly to York for protection, or to hide themselves in corners from that inquisition which was made for them. And therefore his majesty, in the first place, that he might have one harbour to resort to in his kingdom, sent the earl of Newcastle, privately, with a commission to take the government of Newcastle; who against the little opposition, which was prepared by the schismatical party in the town, by his lordship's great interest in those parts, the ready compliance of the best of the gentry, and the general good inclinations of the place, speedily and dexterously assured that most important rich town and harbour to the king; which, if it had been omitted but very few days, had been seized on by the parliament, who had then given direction to that purpose. Then for the protection of the general parts of the kingdom, and keeping up their affections, his majesty appointed and sent many of the nobility and prime gentlemen of the several counties, who attended him, into their counties to execute the commission of array, making the marquis of Hertford, by commission under the great seal of England, (which he was to keep secret in reserve, till he found, either by the growth, [or] extraordinary practice of the parliament in raising forces,

that the commission of array was not enough,) “his lieutenant general of all the western parts of the kingdom, with power to levy such a body of horse and foot, as he found necessary for his majesty’s service, and the containing the people within the limits of their duty.” With the marquis went the earl of Bath, (thought then to be of notable power and interest in Devonshire,) the lord Pawlet, the lord Seymour, sir Ralph Hopton, sir John Berkley, sir Hugh Pollard, and other very good officers, to form an army if it should be found expedient. And so, much of the lustre of the court being abated by the remove of so many persons of honour and quality, though it was spread farther by their necessary absence, the king began to think of increasing and forming his train into a more useful posture than it was yet; and, without any noise of raising an army, to make the scene of his first action to be the recovery of Hull (whither new forces were sent from London) by the natural forces and trained bands of that county; by colour whereof, he hoped to have such resort, that he should need no other industry to raise such an army as should be sufficient to preserve himself from the violence which threatened his safety; and accordingly, that the people might fully understand his intentions, he summoned some of the trained bands to attend him at Beverley, a town within four miles of Hull, whither he removed his court, and published a proclamation, briefly containing “the rebellion of sir John Hotham, in holding that town by a garrison against him; his demanding justice from the two houses without effect; the seizing his fleet at sea; and the hostile acts of sir John Hotham upon the inhabitants of that town, many of whom he turned out of their habitations; and upon the neighbour county, by imprisoning many, and driving others for fear from their houses: and therefore that he was resolved to

reduce the same by force: inhibiting all commerce or traffic with the said town, whilst it continued in rebellion."

386 Which proclamation he likewise sent to both houses of parliament, with this further signification, "That, before he would use force to reduce that place to its due obedience, he had thought fit once more to require them, that it might be forthwith delivered to him; wherein if they should conform themselves, his majesty would be then willing to admit such addresses from them, and return such propositions to them, as might be proper to settle the peace of the kingdom and compose the present distractions. He wished them to do their duty, and to be assured from him, in the word of a king, that nothing should be wanting on his part that might prevent the calamities which threatened the nation, and might render his people truly happy; but if that his gracious invitation should be declined, God and all good men must judge between them:" and assigned a day, by which he would expect their answer at Beverley.

387 In the mean time, to encourage the good affections of Nottinghamshire, which seemed almost entirely to be devoted to his service, and to countenance and give some life to those in Lincolnshire, where, in contempt of his proclamations, the ordinance of the militia had been boldly executed by the lord Willoughby of Parham, and some members of the house of commons, his majesty took a short progress to Newark; and, after a day's stay, from thence to Lincoln; and so, by the day appointed, returned to Beverley; having in both those places been attended with such an appearance of the gentlemen and men of quality, and so full a concourse of the people as one might reasonably have guessed the affections of both those counties would have seconded any just and regular service for the king.

388 They at London were not less active; but, upon their

success in the business of the navy, proceeded to make themselves strong enough, at least, to keep what they had; and therefore, having, by their ordinance of the militia, many voluntary companies formed of men according to their own hearts; and, by their subscriptions, being supplied with a good stock of money, and a good number of horse; before the king's message from Beverley came to them, on the twelfth of July, being the same day the message went from the king, both houses voted and declared, "That an army should be forthwith raised for the safety of the king's person; defence of both houses of parliament, and of those who had obeyed their orders and commands; and preserving of the true religion, the laws, liberty, and peace of the kingdom. That the earl of Essex should be their general, and that they would live and die with him." And, having put themselves into this posture of treating, the same day they agreed that a petition should be framed, "to move the king to a good accord with the parliament, to prevent a civil war;" the which was purposely then consented to, that the people might believe, the other talk of an army and a general was only to draw the king to the more reasonable concessions. And it is certain, the first was consented to by many, especially of the house of peers, (in hope the better to compass the other,) with the perfect horror of the thought of a war. Though the king's message came to them before their own was despatched, yet, without the least notice taken of it, and lest the contents of their petition might be known before the arrival of their own messengers, the earl of Holland, sir John Holland, and sir Philip Stapleton, being the committee appointed for the same, made a speedy and quick journey to Beverley; and arrived in the same minute that the king came thither from Lincoln: so that his majesty no sooner heard of the raising an army, and declaring a general against him, but he was encountered

with the messengers for peace; who reported to all whom they met, and with whom they conversed, "that they had brought so absolute a submission from the parliament to the king, that there could be no doubt of a firm and happy peace:" and when the earl of Holland presented the petition, he first made a short speech to the king, telling him, "that the glorious motto of his blessed father, king James, was *Beati pacifici*, which he hoped his majesty would continue; that they presented him with the humble duty of his two houses of parliament, who desired nothing from him but his consent, and acceptance of peace; they aiming at nothing but his majesty's honour and happiness:" and then read their message aloud, in these words:

To the king's most excellent majesty, the humble petition of the lords and commons assembled in parliament.

"May it please your majesty:

389 "Although we, your majesty's most humble and faithful subjects, the lords and commons in parliament assembled, have been very unhappy in many former petitions and supplications to your majesty; wherein we have represented our most dutiful affections in advising and desiring those things, which we held most necessary for the preservation of God's true religion, your majesty's safety and honour, and the peace of the kingdom: and, with much sorrow, do perceive that your majesty, incensed by many false calumnies and slanders, doth continue to raise forces against us, and your other peaceable and loyal subjects; and to make great preparations for war, both in the kingdom, and from beyond the seas; and, by arms and violence, to overrule the judgment and advice of your great council; and by force to determine the questions there depending, concerning the government and liberty of the kingdom: yet, such is our earnest desire of discharging our duty to your majesty and the kingdom, to preserve the peace thereof, and to prevent the miseries of civil war amongst your subjects, that, notwithstanding we hold ourselves bound to use all the means and power, which, by the laws and constitutions of this kingdom, we are trusted with for defence and protection thereof, and of the subjects from force and

violence, we do, in this our humble and loyal petition, prostrate ourselves at your majesty's feet; beseeching your royal majesty, that you will be pleased to forbear and remove all preparations and actions of war; particularly the forces from about Hull, from Newcastle, Tinmouth, Lincoln, and Lincolnshire, and all other places. And that your majesty will recall the commissions of array, which are illegal; dismiss troops, and extraordinary guards by you raised: that your majesty will come nearer to your parliament, and hearken to their faithful advice and humble petitions; which shall only tend to the defence and advancement of religion, your own royal honour and safety, the preservation of our laws and liberties. And we have been, and ever shall be, careful to prevent and punish all tumults, and seditious actions, speeches, and writings, which may give your majesty just cause of distaste, or apprehension of danger. From which public aims and resolutions no sinister or private respect shall ever make us to decline. That your majesty will leave delinquents to the due course of justice; and that nothing done or spoken in parliament, or by any person in pursuance of the command and direction of both houses, be questioned any where but of parliament.

390 “ And we, for our parts, shall be ready to lay down all those preparations which we have been forced to make for our defence. And for the town of Hull, and the ordinance concerning the militia, as we have, in both these particulars, only sought the preservation of the peace of the kingdom, and the defence of the parliament from force and violence; so we shall most willingly leave the town of Hull in the state it was before sir John Hotham drew any forces into it; delivering your majesty's magazine into the tower of London, and supplying whatsoever hath been disposed by us for the service of the kingdom. We shall be ready to settle the militia by a bill, in such a way as shall be honourable and safe for your majesty, most agreeable to the duty of parliament, and effectual for the good of the kingdom; that the strength thereof be not employed against itself, and that which ought to be for our security applied to our destruction; and that the parliament, and those who profess and desire still to preserve the protestant religion, both in this realm and in Ireland, may not be left naked, and indefensible to the mischievous designs and cruel attempts of those, who are the professed and confederated

enemies thereof in your majesty's dominions, and other neighbour nations. To which if your majesty's courses and counsels shall from henceforth concur, we doubt not but we shall quickly make it appear to the world, by the most eminent effects of love and duty, that your majesty's personal safety, your royal honour and greatness, are much dearer to us than our own lives and fortunes, which we do most heartily dedicate, and shall most willingly employ for the support and maintenance thereof."

391 As soon as this petition was read by the earl of Holland, the king told them,

392 "That the reproaches cast upon him by it were not answerable to the expressions his lordship had made; and that he was sorry that they thought the exposing him and his honour to so much scandal was the way to procure or preserve the peace of the kingdom: that they should speedily receive his answer; by which the world would easily discern who desired peace most."

393 And accordingly, the second day, his majesty delivered them in public his answer to their petition, which was likewise read by one of his servants, in these words:

394 *His majesty's answer to the petition of the lords and commons assembled in parliament.*

"Though his majesty had [too] great reason to believe that the directions sent to the earl of Warwick to go to the river of Humber with as many ships as he should think fit, for all possible assistance to sir John Hotham, (whilst his majesty expected the giving up of the town unto him,) and to carry away such arms from thence as his discretion thought fit to spare out of his majesty's own magazine; the choosing a general by both houses of parliament, for the defence of those who have obeyed their orders and commands, be they never so extravagant and illegal; their declaration, that in that case they would live and die with the earl of Essex their general; (all which were voted the same day with this petition;) and the committing the lord mayor of London to prison for executing his majesty's writs and lawful commands; were but ill prologues to a petition which might compose the miserable distractions of the kingdom; yet his majesty's passionate desire of the peace of the kingdom, together

with the preface of the presenters, That they had brought a petition full of duty and submission to his majesty; and which desired nothing of him but his consent to peace, (which his majesty conceived to be the language of both houses too,) begot a greedy hope and expectation in him, that this petition would have been such an introduction to peace, that it would at least have satisfied his message of the eleventh of this month, by delivering up Hull unto his majesty. But, to his unspeakable grief, his majesty hath too much cause to believe, that the end of some persons, by this petition, is not in truth to give any real satisfaction to his majesty; but, by the specious pretences of making offers to him, to mislead and seduce his people, and lay some imputation upon him of denying what is fit to be granted; otherwise, it would not have thrown those unjust reproaches and scandals upon his majesty, for making necessary and just defence for his own safety; and so peremptorily justified such [actions] against him, as by no rule of law or justice can admit the least colour of defence: and, after so many free and unlimited acts of grace passed by his majesty without any condition, have proposed such things, which, in justice, cannot be denied unto him, upon such conditions, as, in honour, he cannot grant. However, that all the world may see how willing his majesty would be to embrace any overture that might beget a right understanding between him and his two houses of parliament, (with whom, he is sure, he shall have no contention, when the private practices and subtle insinuations of some few malignant persons shall be discovered, which his majesty will take care shall be speedily done,) he hath, with great care, weighed the particulars of this petition, and returns this answer:

- 395 “ That the petitioners were never unhappy in their petitions or supplications to his majesty, while they desired any thing which was necessary or convenient for the preservation of God’s true religion, his majesty’s safety and honour, and the peace of the kingdom: and therefore, when those general envious foundations are laid, his majesty could wish some particular instances had been applied. Let envy and malice object one particular proposition for the preservation of God’s true religion which his majesty hath refused to consent to; what himself hath often made for the ease of tender consciences, and for the advancement of the protestant religion, is notorious by many of his mes-

sages and declarations. What regard hath been to his honour and safety, when he hath been driven from some of his houses, and kept from other of his towns by force; and what care there hath been of the peace of the kingdom, when endeavour hath been used to put all his subjects in arms against him, is so evident, that his majesty is confident he cannot suffer by those general imputations. It is enough that the world knows what he hath granted and what he hath denied.

396 “ For his majesty’s raising forces, and making preparations for war, (whatsoever the petitioners, by the evil arts of the enemies to his majesty’s person and government, and by the calumnies and slanders raised against his majesty by them, are induced to believe,) all men may know what is done that way is but in order to his own defence. Let the petitioners remember, that (which all the world knows) his majesty was driven from his palace of Whitehall for safety of his life: that both houses of parliament, upon their own authority, raised a guard to themselves, (having gotten the command of all the trained bands of London to that purpose,) without the least colour or shadow of danger: that they usurped a power, by their pretended ordinance, against all principles and elements of law, over the whole militia of the kingdom, without and against his majesty’s consent; that they took possession of his town, fort, and magazine of Hull, and committed the same to sir John Hotham; who shut the gates against his majesty, and, by force of arms, denied entrance thither to his own person: that they justified this act which they had not directed, and took sir John Hotham into their protection for whatsoever he had done, or should do, against his majesty: and [all] this, whilst his majesty had no other attendance than his own menial servants. Upon this, the duty and affection of this county prompted his subjects here to provide a small guard for his own person; which was no sooner done, but a vote suddenly passed of his majesty’s intention to levy war against his parliament, (which, God knows, his heart abhorreth;) and, notwithstanding all his majesty’s professions, declarations, and protestations to the contrary, seconded by the clear testimony of so great a number of peers upon the place, propositions and orders for levies of men, horse, and arms, were sent throughout the kingdom; plate and money brought in and received; horse and men raised towards an army, mustered,

and under command ; and all this contrary to the law, and to his majesty's proclamation : and a declaration published, that if he should use force for the recovery of Hull, or suppressing the pretended ordinance for the militia, it should be held levying war against the parliament : and all this done, before his majesty granted any commission for the levying or raising a man. His majesty's ships were taken from him, and committed to the custody of the earl of Warwick ; who presumes, under that power, to usurp to himself the sovereignty of the sea, to chase, fright, and imprison such of his majesty's good subjects as desire to obey his lawful commands ; although he had notice of the legal revocation of the earl of Northumberland's commission of admiral, whereby all power derived from that commission ceased.

397 " Let all the world now judge who began this war, and upon whose account the miseries which may follow must be cast ; what his majesty could have done less than he hath done ; and whether he were not compelled to make provision both for the defence of himself, and recovery of what is so violently and injuriously taken from him ; and whether these injuries and indignities are not just grounds for his majesty's fears and apprehensions of further mischief and danger to him. Whence the fears and jealousies of the petitioners have proceeded, hath never been discovered ; the dangers they have brought upon his subjects are too evident ; what those are they have prevented, no man knows. And therefore his majesty cannot but look upon that charge as the boldest and the most scandalous hath been yet laid upon him ; That this necessary provision, made for his own safety and defence, is to overrule the judgment and advice of his great council ; and by force to determine the questions there depending, concerning the government and liberty of the kingdom. If no other force had been raised to determine those questions than by his majesty, this unhappy misunderstanding had not been : and his majesty no longer desires the blessing and protection of Almighty God upon himself and his posterity, than he and they shall solemnly observe the due execution of the laws in the defence of parliaments and the just freedom thereof.

398 " For the forces about Hull, his majesty will remove [them,] when he hath obtained the end for which they were brought thither. When Hull shall be reduced again to his subjection,

he will no longer have an army before it. And when he shall be assured, that the same necessity and pretence of public good, which took Hull from him, may not put a garrison into Newcastle to keep the same against him, he will remove his from thence, and from Tinmouth; till when, the example of Hull will not out of his memory.

399 “For the commissions of array, which are legal, and are so proved by a declaration now in the press, his majesty wonders why they should at this time be thought grievous, and fit to be recalled: if the fears of invasion and rebellion be so great, that by an illegal pretended ordinance it is necessary to put his subjects into a posture of defence, to array, train, and muster them, he knows not why the same should not be done in a regular, known, lawful way. But if in the execution of that commission any thing shall be unlawfully imposed upon his good subjects, his majesty will take all just and necessary care for their redress.

400 “For his majesty's coming nearer to his parliament, his majesty hath expressed himself so fully in his several messages, answers, and declarations, and so particularly avowed a real fear of his safety, upon such instances as cannot be answered, that he hath reason to take himself somewhat neglected, that, since upon so manifest reasons it is not safe for his majesty to come to them, both his houses of parliament will not come nearer to his majesty, or to such a place where the freedom and dignity of parliament might be preserved. However, his majesty shall be very glad to hear of some such example in their punishing the tumults (which he knows not how to expect, when they have declared that they knew not of any tumults; though the house of peers desired, both for the freedom and dignity of parliament, that the house of commons would join with them in a declaration against tumults; which they refused, that is, neglected to do) and other seditious actions, speeches, and writings, as may take that apprehension of danger from him; though, when he remembers the particular complaints himself hath made of businesses of that nature, and that, instead of inquiring out the authors, neglect of examination hath been, when offer hath been made to both houses to produce the authors; as in that treasonable paper concerning the militia: and when he sees every day pamphlets published against his crown, and against monarchy

itself; as the observations upon his late messages, declarations, and expresses; and some declarations of their own, which give too great encouragement, in that argument, to ill affected persons; his majesty cannot, with confidence, entertain those hopes which would be most welcome to him.

401 “ For the leaving delinquents to the due course of justice, his majesty is most assured he hath been no shelter to any such. If the tediousness and delay in prosecution, the vast charge in officers’ fees, the keeping men under a general accusation, without trial, a whole year and more, and so allowing them no way for their defence and vindication, have frightened men away from so chargeable and uncertain attendance, the remedy is best provided where the disease grew. If the law be the measure of delinquency, none such are within his majesty’s protection: but if by delinquents such are understood, who are made so by vote, without any trespass upon any known or established law: if by delinquents those nine lords are understood, who are made delinquents for obeying his majesty’s summons to come to him, after their stay there was neither safe nor honourable, by reason of the tumults, and other violences; and whose impeachment, he is confident, is the greatest breach of privilege that before this parliament was ever offered to the house of peers: if by delinquents such are understood, who refuse to submit to the pretended ordinance of the militia; to that of the navy; or to any other, which his majesty hath not consented to; such who for the peace of the kingdom, in an humble manner, prepare petitions to him, or to both houses, as his good subjects of London and Kent did; whilst seditious ones, as that of Essex, and other places, are allowed and cherished: if by delinquents such are understood, who are called so for publishing his proclamations, as the lord mayor of London; or for reading his messages and declarations, as divers ministers about London and elsewhere; when those against him are dispersed with all care and industry, to poison and corrupt the loyalty and affection of his people: if by delinquents such are understood, who have, or shall lend his majesty money, in the universities, or in any other places; his majesty declares to all the world, that he will protect such with his utmost power and strength; and directs, that in these cases they submit not to any messengers or warrants; it being no less

his duty to protect those who are innocent, than to bring the guilty to condign punishment ; of both which the law is to be judge. And if both houses do think fit to make a general, and to raise an army for defence of those who obey their orders and commands, his majesty must not sit still, and suffer such who submit to his just power, and are solicitous for the laws of the land, to perish and be undone, because they are called delinquents. And when they shall take upon them to dispense with the attendance of those who are called by his majesty's writ, whilst they send them to sea, to rob his majesty of his ships ; or into the several counties, to put his subjects in arms against him ; his majesty (who only hath it) will not lose the power to dispense with them to attend his own person ; or to execute such offices as are necessary for the preservation of himself and the kingdom ; but must protect them, though they are called delinquents.

402 “ For the manner of the proceeding against delinquents, his majesty will proceed against those who have no privilege of parliament, or in such cases where no privilege is to be allowed, as he shall be advised by his learned council, and according to the known and unquestionable rules of the law ; it being unreasonable, that he should be compelled to proceed against those who have violated the known and undoubted law, only before them who have directed such violation.

403 “ Having said thus much to the particulars of the petition, though his majesty hath reason to complain, that, since the sending this petition, they have beaten their drums for soldiers against him ; armed their own general with a power destructive to the law, and liberty of the subjects ; and chosen a general of their horse ; his majesty, out of his princely love, tenderness, and compassion of his people, and desire to preserve the peace of the kingdom, that the whole force and strength of it may be united for the defence of itself, and the relief of Ireland, (in whose behalf he conjures both his houses of parliament, as they will answer the contrary to Almighty God, his majesty, to those that trust them, and to that bleeding, miserable kingdom, that they suffer not any monies, granted and collected by act of parliament, to be delivered or employed against his majesty ; whilst his soldiers in that kingdom are ready to mutiny, or

perish for want of pay ; and the barbarous rebels prevail by that encouragement,) is graciously pleased once more to propose and require,

404 “ That his town of Hull be immediately delivered up to him ; which being done, (though his majesty hath been provoked by unheard of insolences of sir John Hotham’s, since his burning and drowning the country, in seizing his wine, and other provisions for his house, and scornfully using his servant, whom he sent to require them ; saying, it came to him by Providence, and he will keep it ; and so refusing to deliver it, with threats if he, or any other of his fellow-servants, should again repair to Hull about it ; and in taking and detaining prisoners, divers gentlemen, and others, in their passage over the Humber into Lincolnshire about their necessary occasions ; and such other indignities, as all gentlemen must resent in his majesty’s behalf,) his majesty, to shew his earnest desire of peace, for which he will dispense with his own honour, and how far he is from desire of revenge, will grant a free and general pardon to all persons within that town.

405 “ That his majesty’s magazine, taken from Hull, be forthwith put into such hands as he shall appoint.

406 “ That his navy be forthwith delivered into such hands as he hath directed for the government thereof : the detaining thereof after his majesty’s directions, published and received, to the contrary ; and employing his ships against him in such manner as they are now used, being notorious high treason in the commanders of those ships.

407 “ That all arms, levies, and provisions for a war, made by the consent of both houses, (by whose example his majesty hath been forced to make some preparations,) be immediately laid down ; and the pretended ordinance for the militia, and all power of imposing laws upon the subject without his majesty’s consent, be disavowed ; without which, the same pretence will remain to produce the same mischiefs. All which his majesty may as lawfully demand as to live, and can with no more justice be denied him, than his life may be taken from him.

408 “ These being done, and the parliament adjourned to a safe and secure place, his majesty promises, in the presence of God, and binds himself by all his confidence and assurance in the affection of his people, that he will instantly and most cheerfully lay down

all the force he shall have raised, and discharge all his future and intended levies; that there may be a general face of peace over the whole kingdom; and will repair to them; and desires, that all differences may be freely debated in a parliamentary way; whereby the law may recover its due reverence, the subject his just liberty, and parliaments themselves their full vigour and estimation; and so the whole kingdom a blessed peace, quiet, and prosperity.

409 “If these propositions shall be rejected, his majesty doubts not of the protection and assistance of Almighty God, and the ready concurrence of his good subjects; who can have no hope left them of enjoying their own long, if their king may be oppressed and spoiled, and must be remediless. And though his towns, his ships, his arms, and his money, be gotten, and taken from him, he hath a good cause left, and the hearts of his people; which, with God’s blessing, he doubts not, will recover all the rest.

410 “Lastly, if the preservation of the protestant religion, the defence of the liberty and law of the kingdom, the dignity and freedom of parliament, and the recovery and the relief of bleeding and miserable Ireland, be equally precious to the petitioners as they are to his majesty, (who will have no quarrel but in defence of these,) there will be a cheerful and speedy consent to what his majesty hath now proposed and desired: and of this his majesty expects a full and positive answer by Wednesday the 27th of this instant July; till when he shall not make any attempt of force upon Hull, hoping in the affection, duty, and loyalty of the petitioners: and, in the mean time, expects that no supply of men be put into Hull, or any of his majesty’s goods taken from thence.”

411 The whole court, upon the hearing that petition from the two houses read, expressed a marvellous indignation at the intolerable indignities offered to the king by it; and seemed no better satisfied with the messengers who had professed that they brought an absolute submission to his majesty; when, in truth, what they brought appeared to be a full justification of whatsoever they had done before, and an implied threat of doing worse, and fixing all the scandals upon his majesty which they had

scattered abroad before : insomuch as all men expected and believed his majesty to be engaged, for the vindication of his princely dignity and honour, to return a much sharper answer to them than he had ever sent. So that, when this which is before set down (and which had before been consented to, and approved in the full assembly of the peers and counsellors) was read publicly, it was generally thought, that the king had not enough resented the insolence and usurpation of the parliament, or appeared sensible enough of their provocations : yet the thought of a war, which wise men saw actually levied upon the king already, was so much abhorred, and men were so credulous of every expedient which was pretended for peace, that by the next morning (the answer being delivered in the evening) these active messengers for the parliament persuaded many "that the king's answer was too sharp, and would provoke the houses, who were naturally passionate, to proceed in the high ways they were in ; whereas, if the king would abate that severity of language, and would yet take off the preamble of his answer, they were confident, and the earl of Holland privately offered to undertake, that satisfaction should be given to all that his majesty proposed." And by this means some were so far wrought upon, as they earnestly importuned the king, "that he would take his answer, which he had publicly delivered the night before, from the messengers ; and, instead thereof, return the same matter of his own propositions only in the most soft and gentle language ; without the preamble, or any mention of their unjustifiable and unreasonable demeanour towards him."

But his majesty replied,

412 "That he had for a long time, even after great provocations, and their first general remonstrance to the people, treated with all imaginable compliance and lenity of words with them ; and

discovered their unjustifiable and most extravagant proceedings with and against him, and the consequences that would inevitably attend their progress in them, with such tender expressions, as if he believed whatever was amiss to proceed from misinformation only, and unskilful mistakes: that this gentleness and regard of his was so far from operating upon them, that their insolence and irregularities increased; and it might be from that reason, [that] their messages and declarations were written in so high a dialect, and with that sovereignty of language, as if he were subject to their jurisdiction; and he did not know but it might have some influence upon his people to his disadvantage, that is, raise terror towards them, and lessen their reverence towards his majesty, when all their petitions and propositions were more imperative than his just and necessary refusals: which condescension his majesty had brought himself to, in hope, that his example, and [their] natural shame, would have reformed that new license of words: that this last address, under the name of a petition, (a few days after they had violently ravished his whole fleet from him, and prepared the same day that they had chosen a general, to whom they had sworn allegiance, to lead an army against him,) contained a peremptory justification of whatsoever they had done, and as peremptory a threatening of whatsoever they could do: and therefore, if he should now retract his answer, which had been solemnly considered in council, before all the peers, and which in truth implied rather a princely resentment of the indignities offered to him, than flowed with any sharp or bitter expressions, he should, by such yielding, give encouragement to new attempts; and could not but much discourage those upon whose affections and loyalty he was principally to depend; who could not think it safe to raise themselves to an indignation on his behalf, when he expressed so tender or so little sense of his own sufferings: besides, that he was then upon an avowed hostile enterprise for the reduction of Hull; towards which he was to use all possible means to draw a force together, equal to that design; and by such a retractation as this proposed, and a seeming declension of his spirit, and depending upon their good natures who had done all this mischief, he should not only be inevitably disappointed of the resort of new strength, but, probably, deserted by those few whom he had brought together: that he

5. *Lord Holland and the other messengers leave the court.* (1642.) 283

could not reasonably or excusably depend upon the undertaking of the earl of Holland ; who had so grossly deceived him in other undertakings, which were immediately in his own power to have performed : whereas neither he, or either of the other two gentlemen, who were joined with him in this employment, had so much interest with the active and prevailing party, as to know more of their intentions than was at present necessary to be discovered for their concurrence.

- 113 “ He said, that he had never yet consented to any one particular, since the beginning of this parliament, by which he had received prejudice, at the doing whereof he had not the solemn undertakings and promises of those, who were much abler to justify their undertakings than the earl of Holland ; and upon whom he only depended, that it should be no disservice to him, and would be an infallible means to compass all that his majesty reasonably desired : but he always had found those promisers and undertakers, though they could eminently carry on any counsel or conclusion that was against law, justice, or his right, had never power to reduce or restrain those agitations within any bounds of sobriety and moderation : and when they found that many would not be guided by them, that they might seem still to lead, themselves as furiously followed the other ; and resorted again to his majesty with some new expedient, as destructive as the former. So that he was henceforward resolved to rely upon God Almighty, and not so much to depend upon what might possibly prevail upon the affections of those, from whom, reasonably, he could not expect any good, as upon such plain and avowed courses, as, let the success be what it would, must, to all judging men, appear to be prudently and honourably to be relied on : and therefore he positively refused to make the least alteration in his answer.”

- 414 And so the messengers departed, leaving the court and country worse affected than they found it ; and branding some particular persons, whom they found less inclined to be ruled by their professions and promises, “ as the authors of a civil war :” and making them as odious as they could, wherever they came.

- 415 And sure, from that time, the earl of Holland was more transported from his natural temper and gentleness

of disposition, into passion and animosity against the king and his ministers; and, having been nothing pleased with his own condition at London, finding the earl of Essex (whom he did not secretly love, and indeed condemned) to draw all men's eyes towards him, and to have the greatest interest in their hearts, he had seriously intended, under colour of this message to the king, to discover if there were any sparks yet left in his royal breast, which might be kindled into affection, or acceptance of his service; and hoped, if he could get any credit, to redeem his former trespasses: but when he found his majesty not only cold towards him, but easily enough discerned by his reception that all former inclinations were dead, and more than ordinary prejudices grown up towards him in their places, and that his advices were rejected, he returned with rancour equal to the most furious he went to; and heartily joined and concurred towards the suppressing that power, in the administration whereof he was not like to bear any part.

416 His majesty having, by his answer, obliged himself not to make any forcible attempt upon Hull till the 27th of July, by which time he might reasonably expect an answer to his propositions, in the mean time resolved to make some short progress into the neighbour counties; and accordingly, the same day the messengers departed, the king went to Doncaster; and the next day to Nottingham; and so to Leicester; where he heard the earl of Stamford and some other parliament men were executing the ordinance of the militia: but, before his majesty came thither, they removed themselves to Northampton; a town so true to them, as, if they had been pursued, would have shut their gates against the king himself, as Hull had done.

417 At Leicester the king was received with great expressions of duty and loyalty, by the appearance of the trained bands, and full acclamations of the people; yet there

were two accidents that happened there, which, if they be at all remembered, will manifest, that if the king were loved there as he ought to be, that the parliament was more feared than he. It happened to be at the time of the general assizes, and justice Reeve (a man of a good reputation for learning and integrity; and who, in good times, would have been a good judge) sat there as judge; and Mr. Henry Hastings, younger son to the earl of Huntingdon, was purposely made high sheriff, to contain the county within the limits of their duty by the power of that office, as well as by the interest and relation of his family. The earl of Stamford and his assistants had departed the town but few hours before his majesty's entrance; and had left their magazine, which was indeed the magazine of the county, in a little storehouse at the end of the town, guarded by some inferior officers, whom they had brought down to train and exercise the militia, and other zealous and devoted men of the county, in all to the number of about twenty-five, who had barricadoed the door of the house; and professed "to keep it against all demanders;" having provisions within it of all sorts. The king was very unwilling (coming in so peaceable a manner, at so peaceable a time) to take any notice of it. On the other hand, it was an act of too great insolence to be suffered, and, upon the matter, to leave a garrison of the rebels in possession of the town; and therefore he sent word to the judge, "that if he took not some legal way to remove such a force so near his majesty, his majesty would do it in an extraordinary course;" which, upon the sudden, would have puzzled him to have done; having neither soldier, cannon, or powder to effect it; the want of which as much troubled the sheriff. In the end, the gentlemen of the country, who had not yet otherwise declared themselves on either side, than by waiting on his majesty, finding that the king would not go from the town till that nuisance was removed; and that it might bring

inconveniences, charge, and mischief to the county of a high nature; so prevailed, that, as his majesty was contented to take no notice of it, so they within the house, in the night, upon assurance of safety and liberty to go whither they would, removed and left the house; and so that matter was quieted.

418 The other [accident] was, or was like to have proved, more ridiculous. Some of the king's servants, hearing that the earl of Stamford and the other militia men were newly gone out of the town, had of themselves, coming thither before the king, galloped after them, intending to have apprehended them, and brought them before the king; and, though the other were too fleet for them, had, in the way, overtaken Dr. Bastwick, a man well known, who had been a principal officer with them at Leicester, and fled at the same time, but could not keep pace with his commanders: him they brought to the town, where, by the sheriff, he was committed to prison; having confessed enough treason, and justifying it, as would have justly hanged any subject. The king thought once to have had him indicted then at the assizes, upon the plain statute of 25 Edw. III. But the judge besought his majesty not to put a matter of so great moment, upon which the power of the two houses of parliament, and a parliament sitting, must be determined, before one single judge, whose reputation was not enough to bear so great a burden: however, he declared his own opinion fully to his majesty, "that it was treason; which, he believed, all the other judges must acknowledge; and, being convened together by his majesty to that purpose, he thought a joint declaration and resolution of all together might be of great use to the king; whereas the publishing of his particular opinion could only destroy himself, and nothing advance his majesty's service: besides, he had no reason to be so confident of the country, as to conclude, that a jury, then suddenly summoned, would have the courage to find the

bill; and then their not doing it, if it were attempted, would prove a greater countenance to the ordinance than the vote of the two houses had yet given it." This last reason gave his majesty greater satisfaction; so that he was contented that the fellow should be kept in prison, and the trial be deferred, till he could conveniently summon more judges to be present.

- 419 His majesty was no sooner persuaded to be content that this prosecution might be suspended, but the close agents for the parliament's service, who were not yet discovered, but appeared very entire to the king, so dexterously carried themselves, that they prevailed with those gentlemen of the country, whose zeal to his majesty was most eminent and unquestionable, and even with the judge himself, "to wish, that his majesty would freely and graciously discharge the doctor of his imprisonment; or give the judge leave to do so upon a habeas corpus;" (which he was advised to require:) "and that it would be such an act of mercy and singular justice, that would not only work upon the people of that county to his majesty's advantage, but must have a great influence upon the whole kingdom, and even upon the parliament itself." And with this strange desire the good judge, and those principal gentlemen, confidently came to the king, the night before he intended to return northward. His majesty told them, "he would think of it till the next morning." And, in the mean time, concluding by what he heard, that though he should refuse to discharge him, or to consent that he should be discharged, his restraint would not be long in that place after his departure, the people already resorting to him with great license, and the doctor, according to his nature, talking seditiously and loudly, he directed "a messenger of the chamber very early, with such assistance as the sheriff should give him, to carry him away to Nottingham; and, by the help of that sheriff, to the gaol at York:" which was executed accordingly with

expedition and secrecy; if either of which had been absent, it is certain the common people had rescued him; which, of how trivial moment soever it shall be thought, I could not but mention as an instance of the spirit and temper of that time, and the great disadvantage the king was upon, that so many very good men thought fit, at a time when very many hundreds of persons of honour and quality were imprisoned with all strictness and severity by the parliament upon the bare suspicion that they meant to go to the king, or that they wished well to him, or for not submitting to some illegal order or command of theirs, that the king should discharge an infamous person, taken in an act of high treason, and who more frankly and avowedly professed sedition than he did the science of which he pretended to be doctor.

420 The king, according to his appointment, returned to [wards] Hull, in expectation of an answer from the parliament; which came two days after the appointed day, but with no solemnity of messengers, or other ceremony, than inclosed to one of the secretaries to be presented to the king, in which they told him,

421 “ That they could not, for the present, with the discharge of the trust reposed in them for the safety of the king and kingdom, yield to those demands of his majesty. The reason why they took into their custody the town of Hull, the magazine, and navy; passed the ordinance of the militia; and made preparation of arms; was for security of religion, the safety of his majesty's person, of the kingdom, and parliament; all which they did see in evident and [imminent] danger; from which when they should be secured, and that the forces of the kingdom should not be used to the destruction thereof, they should then be ready to withdraw the garrison out of Hull, to deliver the magazine and navy, and settle the militia, by bill, in such a way as should be honourable and safe for his majesty, most agreeable to the duty of parliament, and effectual for the good of the kingdom; as they had professed in their late petition. And for adjourning the parliament, they apprehended no reason for his

majesty to require it, nor security for themselves to consent to it. And as for that reason which his majesty was pleased to express, they doubted not but the usual place would be as safe for his royal person as any other; considering the full assurance they had of the loyalty and fidelity of the city of London to his majesty; and the care which his parliament would ever have to prevent any danger, which his majesty might justly apprehend; besides the manifold conveniences to be had there, beyond other parts of the kingdom. And as for the laying down of arms; when the causes which moved them to provide for the defence of his majesty, the kingdom, and parliament, should be taken away, they should very willingly and cheerfully forbear any further preparations, and lay down their force already raised."

422 Which replication, as they called it, to his majesty's answer, they ordered "to be printed, and read in all churches and chapels within the kingdom of England and dominion of Wales."

423 And so the war was now denounced by their express words against his majesty, as it had been long before in their actions; and both parties seemed to give over all thoughts of further treaties and overtures; and each prepared to make himself considerable by the strength and power of such forces as they could draw together.

424 In London they intended nothing but the forming of their army, and such other things of power as [were] in order thereunto. To that purpose, the bill for the payment of tonnage and poundage being expired on the first day of July, and they having sent another of the same nature to the king for his consent, for six months longer, his majesty, since he saw that, and all other money properly belonging to him, violently taken from him, and employed by them against him, refused to give his royal assent thereunto: whereupon, without the least hesitation, (albeit it had been enacted this very parliament, "that whosoever should presume to pay or receive that duty, after the expiration of the act, before the same was re-granted by his majesty with the consent of the lords and

commons, should be in a præmunire;" which is the heaviest punishment inflicted by law, but the loss of life,) they appointed and ordered by the power of the two houses, (which they called an ordinance of parliament,) "that the same duty should be continued; and declared, that they would save all persons concerned from any penalty or punishment whatsoever:" by which, they now became possessed of the customs in their own right.

425 Towards such as any ways (though under the obligation of oaths or offices) opposed or discountenanced what they went about, they proceeded with the most extravagant severity that had been ever heard of; of which I shall only mention two instances; the first, of the lord mayor of London, sir Richard Gurney, a citizen of great wealth, reputation, and integrity; whom the lords had, upon the complaint of the house of commons, before their sending the last petition to the king, (of which his majesty gave them a touch in his answer,) committed to the tower of London; for causing the king's proclamation against the militia, by virtue of his majesty's writ to him directed, and according to the known duty of his place, to be publicly proclaimed. And shortly after, that they might have a man more compliant with their designs to govern the city, notwithstanding that he insisted upon his innocence, [and] made it appear that he was obliged by the laws of the land, the customs of the city, and the constitution of his office and his oath, to do whatsoever he had done; he was by their lordships, in the presence of the commons, adjudged "to be put out of his office of lord mayor of London; to be utterly incapable of bearing office in city or kingdom, [and] incapable of all honour or dignity; and to be imprisoned during the pleasure of the two houses of parliament." And, upon this sentence, alderman Pennington, so often before mentioned, was, by the voice and clamour of the common people, against the customs and rules of election, made mayor, and accord-

ingly installed; and the true, old, worthy mayor committed to the tower of London; where he hath with notable courage and constancy continued to this present.

⁴²⁶ The other instance I think fit to mention is that of judge Mallet; who, as is before remembered, was committed to the tower the last Lent, for having seen a petition prepared by the grand jury of Kent, for the countenance of the Book of Common Prayer, and against the imposition of the militia by ordinance without the royal assent. This judge (being, this summer circuit, again judge of assize for those counties) sitting at Maidstone upon the great assize, some members of the house of commons, under the style and title of a committee of parliament, came to the bench; and, producing some votes and orders and declarations of one or both houses, "required him, in the name of the parliament, to cause those papers" (being on the behalf of the ordinance of the militia, and against the commission of array) "to be read." He told them, "that he sat there by virtue of his majesty's commissions; and that he was authorized to do any thing comprised in those commissions; but he had no authority to do any thing else; and therefore, there being no mention, in either of his commissions, of those papers, or the publishing any thing of that nature, he could not, nor would do it;" and so (finding less respect and submission than they expected, both to their persons and their business, from the learned judge, and that the whole county, at least the prime gentlemen and the grand jury, which [re]presented the county, contemned both much more) this committee returned to the house with great exclamations against Mr. Justice Mallet, "as the fomenter and protector of a malignant faction against the parliament." And upon this charge a troop of horse was sent to attend an officer; who came with a warrant from the houses, or some committee, (whereas justice Mallet, being an assistant of the house of peers, could not regularly be

summoned by any other authority,) to Kingston in Surrey, where the judge was keeping the general assizes for that county; and, to the unspeakable dishonour of the public justice of the kingdom, and the scandal of all ministers or lovers of justice, in that violent manner took the judge from the bench, and carried him prisoner to Westminster; from whence, by the two houses, he was committed to the tower of London; where he remained for the space of above two years, without ever being charged with any particular crime, till he was redeemed by his majesty by the exchange of another, whose liberty they desired.

427 By these heightened acts of power and terror, they quickly demonstrated how unsecure it would be for any man at least not to concur with them: And, having a general, arms, money, and men enough at their devotion, they easily formed an army, publicly disposing such troops and regiments as had been raised for Ireland, and, at one time, one hundred thousand pounds of that money which by act of parliament had been paid for that purpose, towards the constituting that army which was to be led against their lawful sovereign. So that it was very evident, they would be in such an equipage within few weeks, both with a train of artillery, horse, and foot, all taken, armed, furnished, and supplied out of his majesty's own magazines and stores, that they had not reason to fear any opposition. In the mean time, they declared, and published to the people,

428 " That they raised that army only for the defence of the parliament, the king's person, and the religion, liberty, and laws of the kingdom, and of those, who, for their sakes, and for those ends, had obeyed their orders: that the king, by the instigation of evil counsellors, had raised a great army of papists, by which he intended to awe and destroy the parliament; to introduce popery and tyranny: of which intention, they said, his requiring Hull; his sending out commissions of array; his bespeaking arms and ammunition beyond the seas; (there having been some

brought to him by the ship called the Providence;) his declaring sir John Hotham traitor; and the putting out the earl of Northumberland from being lord high admiral of England; his removing the earls of Pembroke, Essex, Holland, the lord Fielding, and sir Henry Vane, from their several places and employments; were sufficient and ample evidences: and therefore they conjured all men to assist their general, the earl of Essex."

429 And, for their better and more secret transaction of all such counsels as were necessary to be entered upon, or followed, they chose a committee, of some choice members of either house, to intend the great business of the kingdom with reference to the army; who had authority, without so much as communicating their matter to the house, to imprison persons, seize upon estates; and many other particulars, which the two houses, in full parliament, had not the least regular, legal, justifiable authority to do. And for the better encouragement of men to engage in the service, the lord Kimbolton, and the five members of the house of commons, formerly accused by his majesty of high treason, upon solemn debate, had several regiments conferred on them; and by their example, many other members of both houses, some upon their lowness, and decayedness of their fortunes, others to get name and reputation to be in the number of reformers, (amongst whom they doubted not all places of honour, or offices of profit, would be bestowed,) most upon the confidence, that all would be ended without a blow, by the king's want of power to gather strength, desired and obtained command of horse or foot; their quality making amends for their want of experience, and their other defects; which were repaired by many good officers, both English and Scotch; the late troubles having brought many of that tribe to London, and the reputation of the earl of Essex having drawn others, out of the Low Countries, to engage in that service. In the choice of whom, whilst they accused the

king of a purpose to bring in [a] foreign force, and of entertaining papists, they neither considered nation or religion; but entertained all strangers and foreigners, of what religion soever, who desired to run their fortune in war.

430 On the other side, preparations were not made with equal expedition and success by the king towards a war: for, though he well understood and discerned that he had nothing else to trust to, he was to encounter strange difficulties to do that. He was so far from having money to levy or pay soldiers, that he was at this very time compelled, for very real want, to let fall all the tables kept by his officers of state in court, by which so many of all qualities subsisted; and the prince and duke of York eat with his majesty; which only table was kept. And whoever knows the constitution of a court, well knows what indispositions naturally flow from those declensions; and how ill those tempers bear any diminutions of their own interest; and, being once indisposed themselves, how easily they infect others. And that which made the present want of money the more intolerable, there was no visible hope from whence supply could come in any reasonable time: and that which was a greater want than money, which men rather feared than found, there were no arms; for, notwithstanding the fame of the great store of ammunition brought in by that ship, it consisted only in truth of cannon, powder, and bullet, with eight hundred muskets, which was all the king's magazine. So that the hastening of levies, which at that time was believed would not prove difficult, would be to little purpose, when they should continue unarmed. But that which troubled the king more than all these real incapacities of making war, was the temper and constitution of his own party; which was compounded, for the most part, in court, council, and country, of men drawn to him by the impulsion of conscience, and ab-

horring the unjust and irregular proceedings of [the] parliament; otherwise unexperienced in action, and unacquainted with the mysteries and necessary policy of government; severe observers of the law, and as scrupulous in all matters of relation as the other pretended to be: all his majesty's ancient counsellors and servants, (except some few of lasting honour, whom we shall have occasion often to mention,) being to redeem former oversights, or for other unworthy designs, either publicly against him in London, or privately discrediting his interests and actions in his own court. These men still urged "the execution of the law; that what extravagances soever the parliament practised, the king's observation of the law would, in the end, suppress them all:" and, indeed, believed the raising a war to be so wicked a thing, that they thought it impossible the parliament should intend it, even when they knew what they were doing. However [they] concluded, "that he, that was forwardest in the preparing an army, would be first odious to the people; by the affections of whom, the other would be easily suppressed."

- 43¹ This was the general received doctrine; and though it appeared plainly to others, (of equal affection to the public peace,) how fatal those conclusions, in that sense in which they were urged, must prove to the whole kingdom; and how soon the king must be irrecoverably lost, if he proceeded not more vigorously in his defence; yet even those men durst not, in any formed and public debate, declare themselves; or speak that plain English the state of affairs required; but satisfied themselves with speaking, what they thought necessary, to the king in private; so that by this means the king wanted those firm and solid foundations of counsel and foresight as were most necessary for his condition: so that he could neither impart the true motives and grounds of any important action, nor discover the utmost of his designs.

And so he still pretended (notwithstanding the greatest and avowed preparations of the enemy) to intend nothing of hostility, but in order to the reducing of Hull; the benefit of which, he hoped, would engage the trained bands of that great county, (which was the sole strength he yet drew thither,) till he could bring other forces thither, which might be fit for that or any other design.

432 But there was another reason of his majesty's going to and staying at Beverley than was understood; and, it may be, if it had been known, might have produced a better effect; which I think necessary to insert in this place. The lord Digby, whom we have mentioned before, in the first disorder, by which the king and queen were driven from London, to have left England, and to be after unreasonably accused by the house of commons of high treason, had remained from that time in Holland; and, hearing the king's condition at York to be so much improved beyond what he left it at Windsor, had, with some commands from the queen, arrived there very privately, and staid some days in a disguise at York, revealing himself to very few friends, and speaking with the king in so secret a manner in the night, that no notice was taken of his being there; and, finding the king's affairs not in so good a posture as he expected, and conceiving it yet not fit for him to appear, resolved to return again to the queen, and to hasten that provision of arms and ammunition, without which it was not possible for the king to resist any violence that threatened him; and so, in the same bark which brought him over, he went again to sea for Holland, with Wilmot, Ashburnham, Pollard, and Berkley; who purposely removed themselves from court, upon the clamour of the parliament, till the king was ready to use their service. They were not many hours at sea, till they met the Providence, (which we remembered before,) with the ammunition, which was only wanted; and, well knowing her,

they agreed, "that Wilmot, Pollard, and Berkley should return with the ammunition to the king, and Digby and col. Ashburnham should pursue their former intentions for Holland." But their parleys continued so long, that the parliament ships, who had watched and chased the Providence, came up to them, and though the ship escaped, and run on shore, as was before mentioned, yet the fly-boat, in which the lord Digby was, could not so well get away; but was taken by them, and carried in with so much the more choler and triumph into Hull, that they had been disappointed of their greater prize. Col. Ashburnham, though he was in great umbrage with the parliament, and one of those delinquents whom they reproached the king with, was so well known to sir John Hotham, with whom he stood in a good degree of familiarity, that he could not dissemble or conceal himself; but the lord Digby, being in so real a disguise that his nearest friends would not easily have known him, pretended to be a Frenchman, whose language he spake excellently; and seemed to be so sea-sick, that he kept himself in the hole of the bark till they came to Hull; and, in that time, disposed of such papers as were not fit to be perused; and when he came on shore, so well counterfeited sickness, and want of health, that he easily procured himself to be sent, under a guard, to some obscure corner for repose; whilst col. Ashburnham, who was the only prisoner they thought worth the looking after, was carefully carried to the governor; who received him with as much civility as he could reasonably expect.

433 The lord Digby, being by himself, quickly considered the desperateness of his condition: "that it would not be possible to conceal himself long, being so well known to many who were in the Providence, and the garrison quickly knowing whatsoever was spoken of in the country: that he was, how unjustly or unreasonably soever,

the most odious man of the kingdom to the parliament; into whose hands if he should then come, his life would be at least in apparent hazard." And how to get himself out of that labyrinth was very difficult, since sir John Hotham was so far from any inclination of kindness towards him, as he had to col. Ashburnham, that he was in the number of his most notorious enemies. However, in this eminent extremity (as he is a man of the greatest presentness of mind, and the least unappalled upon danger, that I have known,) he resolved not to give himself over; and found means to make one of his guard, in broken English, which might well have become any Frenchman, understand, "that he desired to speak privately with the governor; and that he would discover some secrets of the king's and queen's to him, that would highly advance the service of the parliament." The fellow made haste to let the governor know [these] good tidings; who understanding French well, as speedily sent for the Frenchman; who was brought before him in the presence of much company, and, without any disorder, gave such an account of himself, as they understood him to have seen much of the French service, (of which he spake very fluently,) and to have come over recommended to the king for some command, if he should have occasion to use soldiers; as, he said, people abroad conceived him likely to have. After he had entertained the company with such discourse, there being present some gentlemen who came lately out of France, and so being the more curious to administer questions, he applied himself to the governor; and told him, "that if he might be admitted to privacy with him, he would discover somewhat to him which he would not repent to have known." The governor, who was a man apt enough to fear his own safety, but more apprehensive of the jealousies which would attend him, (for his eldest son, and some others, were more absolutely confided in by the

parliament than himself, and were in truth but spies over him,) would not venture himself in another room; but drew him to a great window at a convenient distance from the company, and wished him "to say what he thought fit." The lord Digby, finding he could not obtain more privacy, asked him, in English, "whether he knew him?" The other, appalled, told him, "No." "Then," said he, "I shall try whether I know sir John Hotham; and whether he be, in truth, the same man of honour I have always taken him to be:" and thereupon told him who he was, and that he hoped he was too much a gentleman to deliver him up a sacrifice to their rage and fury, "who, he well knew, were his implacable enemies." The other, being surprised and astonished, and fearing that the by-standers would discover him too, (for, being now told who he was, he wondered he found it not out himself,) he desired him "to say no more for the present; that he should not be sorry for the trust he reposed in him, and should find him the same man he had thought him: that he would find some time, as soon as conveniently he might, to have more conference with him. In the mean time, that he should content himself with the ill accommodation he had, the amendment whereof would beget suspicion: and so he called the guard instantly to carry him away, and to have a very strict eye upon him;" and, turning to the company, and being conscious to himself of the trouble and disorder in his countenance, told them, "that the Frenchman was a shrewd fellow, and understood more of the queen's counsels and designs than a man would suspect: that he had told him that which the parliament would be glad to know; to whom presently he would make a despatch, though he had not yet so clear informations, as, he presumed, he should have after two or three days:" and so departed to his chamber.

34 It was a wonderful influence that this noble person's

stars (which used to lead him into and out of the greatest perplexities and dangers throughout the whole course of his life) had upon this whole affair. Hotham was, by his nature and education, a rough and a rude man; of great covetousness, of great pride, and great ambition; without any bowels of good nature, or the least sense or touch of generosity; his parts were not quick and sharp, but composed, and [he] judged well; he was a man of craft, and more like to deceive than to be cozened: yet, after all this, this young nobleman, known and abhorred by him, for his admirable faculty of dissimulation, had so far prevailed, and imposed upon his spirit, that he resolved to practise that virtue which the other had imputed to him, and which he was absolutely without, and not to suffer him to fall into the hands of his enemies. He sent for him the next day, and at an hour when he was more vacant from attendants and observers; and at first told him his resolution; "that, since he had so frankly put himself into his hands, he would not deceive his trust;" and wished him "to consider in what way and by what colour he should so set him at liberty, that he might without any other danger arrive at the place where he would be. For," he said, "he would not trust any person living with the secret, and least of all his son;" whom he mentioned with all the bitterness imaginable, "as a man of an ill nature, and furiously addicted to the worst designs the parliament had or could have; and one that was more depended upon by them than himself, and sent thither only as a spy upon him." And from hence he entered upon the discourse "of the times, and the mischief that was like to befall the whole kingdom, from this difference between the king and the parliament." Then lamented his own fate, "that, being a man of very different principles from those who drove things to this extremity, and of entire affection and duty to the king, he should now be looked upon as the chief ground and cause of the

civil war which was to ensue, by his not opening the ports when the king would have entered into the town:" of which business, and of all the circumstances which attended it, he spake at large; and avowed, "that the information sent him of the king's purpose presently to hang him, was the true cause of his having proceeded in that manner."

- 435 The lord Digby, who knew well enough how to cultivate every period of such a discourse, and how to work upon those passions which were most predominant in him, joined with him in the sense of the calamities which were like to befall the nation; which he bewailed pathetically; and, "that it should be in the power of a handful of ill men, corrupted in their affections to the king, and against monarchy itself, [to be] able to involve him, and many others of his clear intentions, in their dark counsels, and to engage them to prosecute ends which they abhorred, and which must determine in the ruin of all the undertakers. For, he told him, that the king, in a short time, would reduce all his enemies: that the hearts of the people were already, in all places, aliened from them; and that the fleet was so much at the king's disposal, that, as soon as they should receive his orders, they would appear in any place he appointed: that all the princes in Christendom were concerned in the quarrel, and would engage in it as soon as they should be invited to it: and that the prince of Orange was resolved to come over in the head of his army, and would take Hull in three days." All which ought, reasonably, to have been true in the practick, though it had very little ground in the speculation. And when he had by degrees amused and terrified him with this discourse, he enlarged upon "the honour and glory that man would have, who could be so blessed as to prevent this terrible mass of confusion that was in view: that king and people would join in rewarding him with honours and preferments of all kinds;

and that his name would be derived to posterity as the preserver of his country." He told him, "He was that man, that could do all this; that, by delivering up Hull to the king, he might extinguish the war; and that immediately a peace would be established throughout the kingdom; that the world believed that he had some credit both with the king and queen; that he would employ it all in his service; and if he would give him this rise to begin upon, he should find that he would be much more solicitous for his greatness, and a full recompense for his merit, than he was now for his own safety." All these advertisements and reflections were the subject of more than one discourse; for sir John Hotham could not bear the variety and burden of all those thoughts together; but within two days all things were adjusted between them. Hotham said, "it would not become him, after such a refusal, to put the town into the king's hands; nor could he undertake (if he resolved) to effect it; the town itself being in no degree affected to his service; and the trained bands, of which the garrison wholly consisted, were under officers upon whom he could not depend. But," he said, "if the king would come before the town, though but with one regiment, and plant his cannon against it, and make but one shot, he should think he had discharged his trust to the parliament, as far as he ought to do; and that he would immediately then deliver up the town; which he made no doubt but that he should be then able to do." And on this errand he was contented the lord Digby should go to the king, and be conducted out of the town beyond the limits of danger; the governor having told those officers he trusted most, that "he would send the Frenchman to York; who, he was well assured, would return to him again." And he gave him a note to a widow, who lived in the city, at whose house he might lodge, and by whose hands he might transmit any letter to him.

436 When he came to York, and after he had spoke with his friend Mr. Hyde and the other two, who were always together, and the king had notice of his arrival, it was resolved, that he should appear in his own likeness, and wait upon the king in public, that it might be believed that he had transported himself from Holland in the ship that had brought the ammunition; which was hardly yet come to York, it being now about the time that Mr. Villiers and sir John Pennington had been sent away, and before the news came of their ill success. This was the cause of the sudden march to Hull, before there was a soldier levied to make an assault or maintain a siege; which was so much wondered at then, and so much censured afterwards. For as soon as his majesty received this assurance, and, besides the confidence of the lord Digby, [which he had] so much reason to depend upon, by the treatment he had received, he declared "he would, upon such a day, go to Beverley," a place within four miles of Hull; and appointed three or four regiments of the country, under the command of such gentlemen whose affection was unquestionable, to march thither, as a guard to his person; and likewise sent a little train of artillery, which might be ready for the summons. And when his majesty was ready with this equipage for his march, the lord Digby returned again in his old mode to Hull, to be sure that all things there might correspond with the former obligation. As soon as the king, and the whole court, (for none remained at York,) came to Beverley, (where they were well accommodated, which kept them from being quickly weary,) and the trained bands were likewise come thither, and the general, the earl of Lindsey, first took possession of his office; a little troubled, and out of countenance, that he should appear the general without an army, and be engaged in an enterprise which he could not imagine would succeed; his majesty wished him to send out some officers, of which there was a good

store, to take a view of the town, and of such advantage ground, within distance, upon which he might raise a battery; as if he meant on a sudden to assault the place; which appeared no unreasonable design, if there were a good party in the town to depend upon. And yet the general had no opinion that his army of trained bands would frankly expose themselves to such an attack. Besides a great number of officers, and persons of quality, who were all well horsed, and had many servants as well provided, the king had his troop of guards so constituted as hath been said before; and there were few horses in Hull, without officers who understood that kind of service. So that it was no hard matter to take a very full view of the town, by riding to the very ports, and about the walls; nor, at first appearance, was there any show of hostility from the town upon their nearest approaches to it; but after they had made that visit two or three days together, they observed that the walls were better manned, and that there [was] every day an increase of labourers repairing the works; and then they began to shoot, when any went within distance of the works.

437 Sir John Hotham had tried some of his officers, in whose particular affection he had most confidence, how far they were like to be governed by him; and found them of a temper not to be relied upon. His son was grown jealous of some design, and was caballing with those who were most notorious for their disaffection to the government; and some new officers were sent down by the parliament to assist in the defence of the town, which they thought might probably be attempted; and some supplies of men had been taken in from the ships, and had been sent thither from Boston, a neighbour town of eminent disloyalty. So that when the lord Digby returned thither he found a great damp upon the spirit of the governor, and a sadness of mind, that he had pro-

ceeded so far; of which he made all the haste he could to advertise the king; but his letters must first be sent to York before they could come to Beverley; and when they were received, they contained still somewhat of hope, "that he might restore him to his former courage, and confirm his resolution:" so that the king seemed to defer any attempt, upon the hopes of the earl of Holland's message [before mentioned], and in the end he was compelled to give over the design, all hope from the governor growing desperate; whether from his want of courage, or want of power to execute what he desired, remains still uncertain. When he gave over further thought of it, he dismissed both the lord Digby and colonel Ashburnham, whom he had likewise detained till then, as a man of use in the execution of the design, with many professions of duty to the king; and as the concealing these two persons, and afterwards releasing them, immediately increased the jealousy of the parliament against him, so it was the principal cause, afterwards, of the loss of his head.

438 The king, after three weeks' or a month's stay at Beverley, dismissed the trained bands, weary of their service, and returned with his court to York, in so much less credit than when he came from thence, as the entering into a war without power, or preparation to prosecute it, was like to produce. And the inconvenience was the greater, because the principal persons of quality, of court or country, and the officers, had the less reverence for the king's conduct, by seeing such an action entered upon with so little reason, and prosecuted so perfunctorily: all which reproaches his majesty thought fitter to bear, than to discover the motives of his journey; which were then known to few, nor, to this day, have been published.

439 When the king returned to York, exceedingly troubled at the late march he had made, and all men expressing great impatience to be in action, very many persons of honour and quality, having attended long at court, did

Colonel Goring secures

believe they might be more useful to his majesty's service in their own countries, in restraining the disaffected from any seditious attempts, and disposing the people in general to be constant in their loyalty, an accident fell out, that made it absolutely necessary for the king to declare the war, and to enter upon it, before he was in any degree ripe for action; which was, that Portsmouth had declared for the king, and refused to submit to the parliament, which had thereupon sent an army, under the command of sir William Waller, to reduce it. The relating how [this] came to pass requires a large discourse, which will administer much variety, not without somewhat of pleasure and wonder, from the temper and spirit of the person who conducted that action; if it can be said to be conducted without any conduct.

440 We have remembered before, in the last year, the discourse of the bringing up the army to London, to awe the parliament, and the unspeakable dishonour and damage the king sustained by that discourse, how groundless soever it was; all which was imputed to colonel Goring, who, by that means, grew into great reputation with the parliament, as a man so irrecoverably lost at court, that he would join with them in the most desperate designs; yet he carried himself with so great dexterity, that, within few months, he wrought upon the king and queen to believe, that he so much repented that fault, that he would redeem it by any service; and to trust him to that degree, that the queen once resolved, when the tumults drove their majesties first from London, for her security, to put herself into Portsmouth, which was under his government, whilst his majesty betook himself to the northern parts; which design was no sooner over, (if not before,) than he again intimated so much of it to the lord Kimbolton, and that party that they took all the trust he had from court, to proceed from the confidence their majesties had of his father

interest in him ; whose affection and zeal to their service was ever most indubitable : but assured themselves he was their own, even against his own father. So that he carried the matter so, that, at the same time, he received £3000 from the queen, (which she raised by the sale of her plate and some jewels,) to fortify, and victual, and reinforce his garrison, against the time it should be necessary to declare for the king ; and a good supply from the parliament, for the payment of the garrison, that it might be kept the better devoted to them and to their service. All which he performed with that admirable dissimulation and rare confidence, that when the house of commons was informed by a member, whose zeal and affection to them was as much valued as any man's, "that all his correspondence in the county [was] with the most malignant persons ; that of those, many frequently resorted to and continued with him in the garrison ; that he was fortifying, and raising batteries towards the land ; and that in his discourses, especially in the seasons of his good fellowship, he used to utter threats against the parliament, and sharp censures of their proceedings ;" and upon such informations (the author whereof was well known to them, and of great reputation ; and lived so near Portsmouth, that he could not be mistaken in the matter of fact) the house sent for him, most thinking he would refuse to come ; colonel Goring came, upon the summons, with that undauntedness, that all clouds of distrust immediately vanished, insomuch as no man presumed to whisper the least jealousy of him ; which he observing, he came to the house of commons, of which he was a member ; and, having sat a day or two patiently, as if he expected some charge, in the end he stood up, with a countenance full of modesty, and yet not without a mixture of anger, (as he could help himself with all the insinuations of doubt or fear or shame or simplicity in his face, that might

gain belief, to a greater degree than I ever saw any man; and could seem the most confounded when he was best prepared, and the most out of countenance when he was best resolved, and to want words, and the habit of speaking, when they flowed from no man with greater power,) and told them, “that he had been sent for by them upon some information given against him, and that though he believed, the charge being so ridiculous, they might have received, by their own particular inquiry, satisfaction; yet the discourses that had been used, and his being sent for in that manner, had begat some prejudice to him in his reputation; which if he could not preserve, he should be less able to do them service; and therefore desired, that he might have leave (though very unskilful, and unfit to speak in so wise and judicious an assembly) to present to them the state and condition of that place under his command; and then he doubted not but to give them full satisfaction in those particulars, which possibly had made some impression in them to his disadvantage: that he was far from taking it ill from those, who had given any information against him; for, what he had done, and must do, might give some umbrage to well affected persons, who knew not the grounds and reasons that induced him so to do; but that if any such person would at any times resort to him, he would clearly inform them of whatever motives he had; and would be glad of their advice and assistance for the better doing thereof.” Then he took notice of every particular that had been publicly said against him or privately whispered, and gave such plausible answers to the whole, intermingling sharp taunts and scorns to what had been said of him, with pretty application of himself, and flattery to the men that spoke it: concluding, “that they well knew in what esteem he stood with others: so that if, by his ill carriage, he should forfeit the good opinion of that house, upon which he only depended, and to whose service he

entirely devoted himself, he were madder than his friends took him to be, and must be as unpitied in any misery that could befall him, as his enemies would be glad to see him." With which, as innocently and unaffectedly uttered as can be imagined, he got so general an applause from the whole house, that, not without some little apology for troubling him, "they desired him again to repair to his government, and to finish those works which were necessary for the safety of the place;" and gratified him with consenting to all the propositions he made in behalf of his garrison, and paid him a good sum of money for their arrears; with which, and being privately assured (which was indeed resolved on) that he should be lieutenant-general of the horse in their new army, when it should be formed, he departed again to Portsmouth; in the mean time assuring his majesty, by those who were trusted between them, "that he would be speedily in a posture to make any such declaration for his service as he should be required;" which he was forced to do sooner than he was provided for, though not sooner than he had reason to expect.

441 When the levies for the parliament army were in good forwardness, and he had received his commission for lieutenant-general of the horse, he wrote to the lord Kimbolton, who was his most bosom friend, and a man very powerful, "that he might not be called to give his attendance upon the army till it was ready to march; because there were so many things to be done, and perfected, for the safety of that important place, that he was desirous to be present himself at the work as long as was possible. In the mean time, he had given direction to his agent in London to prepare all things for his equipage; so that he would be ready to appear at any rendezvous upon a day's warning." Though the earl of Essex did much desire his company and assistance in the council of war, and preparing the articles, and

forming the discipline for the army, he having been more lately versed in the order and rule of marches, and the provisions necessary or convenient thereunto, than any man then in their service, and of greater command than any man but the general; yet the lord Kimbolton prevailed, that he might not be sent for, till things were riper for action. And when that lord did afterwards write to him, "that it was time he should come away," he sent such new and reasonable excuses, that they were not unsatisfied with his delay; till he had multiplied those excuses so long, that they began to suspect; and they no sooner inclined to suspicion, but they met with abundant arguments to cherish it. His behaviour and course of life was very notorious to all the neighbours, nor was he at all reserved in his mirth, and public discourses, to conceal his opinion of the parliament and their proceedings. So that, at last, the lord Kimbolton writ plainly to him, "that he could no longer excuse his absence from the army, where he was much wanted; and that, if he did not come to London by such a short day, as he named, he found his integrity would be doubted; and that many things were laid to his charge, of which he doubted not his innocence; and therefore conjured him immediately to be at Westminster." It being now no longer to be deferred, or put off, he writ a jolly letter to [that] lord, "that, the truth was, his council advised him that the parliament did many things which were illegal; and that he might incur much danger by obeying all their orders; that he had received the command of that garrison from the king; and that he durst not be absent from it without his leave:" and concluded with some good counsel to the lord.

⁴⁴² This declaration [of the governor] of a place, which had the reputation of being the only place of strength in England, and situated upon the sea, put them into many apprehensions; and they lost no time in endeavour-

ing to reduce [it]; but, upon the first understanding his resolution, sir William Waller was sent, with a good part of the army, so to block up the place, that neither men or provisions might be able to get in; and some ships were sent from the fleet, to prevent any relief by sea: and these advertisements came to the king as soon as he returned to York.

- 443 It gave no small reputation to his majesty's affairs, when there was so great a damp upon the spirits of men, upon the misadventures at Beverley, that so notable a place as Portsmouth had declared for him, in the very beginning of the war; and that so good an officer as Goring was returned to his duty, and in the possession of the town: and the king, who was not surprised with the matter, knowing well the resolution of the colonel, made no doubt but that he was very well supplied with all things, as he might well have been, to have given the rebels work for three or four months at the least. However, he forthwith published a declaration, that had been long ready, in which he recapitulated all the insolent and rebellious actions which the two houses had committed against him: and declared them "to be guilty; and forbad all his subjects to yield any obedience to them:" and at the same time published his proclamation; by which he "required all men who could bear arms to repair to him at Nottingham by the twenty-fifth of August following; on which day he would set up his royal standard there, which all good subjects were obliged to attend." And at the same time he sent the marquis of Hertford to raise forces in the west, or, at least, to restrain those parts (where his interest and reputation was greater than any man's) within the limits of their duty to the king, and from being corrupted or perverted by the parliament; and with him went the lord Seymour, his brother; the lord Pawlet, Hopton, Stawel, Coventry, Berkeley, Windham, and some other gentlemen, of the prime quality,

and interest in the western parts ; and who were like to give as good examples in their persons, and to be followed by as many men, as any such number of gentlemen in England could be. And from this party, enlivened by the power and reputation of the marquis, the king was in hopes that Portsmouth would be shortly relieved, and made the head quarter to a good army. And when all this was done, he did all that was possible to be done, without money, to hasten his levies of horse and foot, and to prepare a light train of artillery, that he might appear at Nottingham, at the day when the standard was to be set up, with such a body of men, as might be at the least a competent guard to his person.

- 444 Many were then of opinion, “that it had been more for his majesty’s benefit and service, if the standard had been appointed to be set up at York ; and so that the king had stayed there, without moving further south, until he could have marched in the head of an army, and not to depend upon gathering an army up in his march. All the northern counties were at present most at his devotion ; and so it would be most easy to raise men there : Newcastle was the only port in his obedience, and whither he had appointed his supplies of arms and ammunition to be sent ; of which he had so present need, that all his magazine, which was brought in the Providence, was already distributed to those few gentlemen who had received commissions, and were most like speedily to raise their regiments ; and it would be a very long, and might prove a very dangerous passage to get the supplies, which were daily expected, to be brought with security from Newcastle, when the king should be advanced so many days’ journey beyond York.” All which were very important considerations, and ought to have prevailed ; but the king’s inclination to be nearer London, and the expectation he had of great effects from Portsmouth, and the west, disposed him to a willingness

to prefer Nottingham ; but that which determined the point, was an apparent and manifest aversion in the Yorkshire gentlemen, whose affections were least suspected, that his majesty should continue, and remain at York ; which, they said, the people apprehended “ would inevitably make that country the seat of the war : ” unskilfully imagining, that the war would be nowhere but where the king’s army was ; and therefore they facilitated all things which might contribute to his remove from thence ; undertook to provide convoys for any arms and ammunition from Newcastle ; to hasten the levies in their own country ; and to borrow of the arms of some of the trained bands ; which was the best expedient that could be found out to arm the king’s troops, and had its reverse in the murmurs it produced, and in leaving the best affected men, by being disarmed, at the mercy of their enemies ; who carefully kept their weapons, that they might be ready to fight against the king. This caused the resolution to be taken for Nottingham, without enough weighing the objections, which upon the entrance into great actions cannot be too much deliberated, though in the execution they shall be best shut out. And it quickly appeared in those very men, who prevailed most in that council ; for, when the time drew on in which his majesty was to depart and leave the country, then they remembered, “ that the garrison of Hull would be left as a thorn in their sides, where there were well formed and active troops, which might march over the country without control, and come into York itself without resistance ; that there were many disaffected persons of quality and interest in the country, who, as soon as the king should be gone, would appear amongst their neighbours, and find a concurrence from them in their worst designs ; and that there were some places, some whole corporations, so notoriously disaffected, especially in matters

relating to the church, that they wanted only conductors to carry them into rebellion."

- 445 These and the like reflections made too late impressions upon them ; and now, too much, they magnified this man's power, whom before they contemned ; and doubted that man's affection, of which they were before secure ; and made a thousand propositions to the king this day, whereof they rejected the greatest part to-morrow ; and, as the day approached nearer for the king's departure, their apprehensions and irresolutions increased. In the end, they were united in two requests to the king ; that " he would commit the supreme command of the country, with reference to all military affairs, to the earl of Cumberland, and qualify him with an ample commission to that purpose." The other, " that his majesty would command sir Thomas Glemham to remain with them, to govern and command such forces as the earl of Cumberland should find necessary for their defence." And this provision being made by the king, they obliged themselves to concur in making any preparations and forming any forces the earl should require. And his majesty, as willingly, gratified them in both their desires. The earl of Cumberland was a man of great honour and integrity, who had all his estate in that country, and had lived most amongst them, with very much acceptation and affection from the gentlemen and the common people : but he was not in any degree active, or of a martial temper ; and rather a man more like not to have many enemies, than to oblige any to be firmly and resolutely his friends, or to pursue his interests : the great fortune of the family was divided, and the greater part of it carried away by an heir female ; and his father had so wasted the remainder, that the earl could not live with that lustre, nor draw so great a dependence upon him, as his ancestors had done. In a word, he was a man of honour, and popular enough in peace, but not endued

with those parts which were necessary for such a season. Sir Thomas Glemham was a gentleman of a noble extraction, and a fair fortune, though he had much impaired it; he had spent many years in armies beyond the seas; and he had been an officer of very good esteem in the king's armies, and of courage and integrity unquestionable; but he was not of so stirring and active a nature, as to be able to infuse fire enough into the phlegmatic constitutions of that people, who did rather wish to be spectators of the war than parties in it; and believed, if they did not provoke the other party, they might all live quietly together; until sir John Hotham by his excursions and depredations out of Hull, and their seditious neighbours by their insurrections, awakened them out of that pleasant dream. And then the greatest part of the gentry of that populous country, and very many of the common people, did behave themselves with signal fidelity and courage in the king's service: of all which particulars, which deserve well to be remembered and transmitted to posterity, there will be no occasion to make any mention in the following discourse.

446 Yet I cannot leave York without the mention of one particular; which, in truth, is so lively an instance of the spirit and temper of that time, and was a sad presage of all the misfortunes which followed. There were very few gentlemen, or men of any quality, in that large county, who were actively or factiously disaffected to his majesty; and of those the lord Fairfax, and his son, sir Thomas Fairfax, were the chief; who were governed by two or three of inferior quality, more conversant with the people; who were as well known as they. All these were in the county, at their houses, within few miles of York; and the king resolved, at his going away, to have taken them all prisoners, and to have put them in safe custody; by which, it was very probable, those mischiefs that shortly after broke out might have been prevented. But the gen-

tllemen of the county, who were met together to consult for their own security, hearing of this design, besought his majesty "not to do it;" alleging, "that he would thereby leave them in a worse condition, by an act so ungracious and unpopular; and that the disaffected would be so far from being weakened, that their party would be increased thereby:" many really believing, that neither father or son were transported with over-vehement inclinations to the parliament; but would willingly sit still, without being active on either side; which, no doubt, was a policy that many of those who wished well desired and intended to be safe by. And so his majesty left York, taking with him only two or three of inferior rank, (whereof one Stapleton was one,) who were known to have been very active in stirring the people to sedition; and yet, upon some specious pretences, some very good men were persuaded, within few days, to procure the liberty and enlargement even of those from his majesty. So ticklish were those times, and so wary were all men to advise the king should do any thing, which, upon the strictest inquisition, might seem to swerve from the strict rule of the law; believing, unreasonably, that the softest and gentlest remedies might be most wholesomely applied to those rough and violent diseases.

- 447 The king came to Nottingham two or three days before the day he had appointed to set up the standard; having taken Lincoln in his way, and drawn some arms from the trained bands of that country with him to Nottingham; from whence, the next day, he went to take a view of his horse; whereof there were several troops well armed, and under good officers, to the number of seven or eight hundred men; with which, being informed, "that there were some regiments of foot marching towards Coventry, by the earl of Essex's orders," he made haste thither; making little doubt, but that he should be able to get thither before them,

and so to possess himself of that city; and he did get thither the day before they came; but found not only the gates shut against him, but some of his servants shot and wounded from the walls: nor could all his messages and summons prevail with the mayor and magistrates, before there was any garrison there, to suffer the king to enter into the city. So great an interest and reputation the parliament had gotten over the affections of the people, whose hearts were alienated from any reverence to the government.

448 The king could not remedy the affront, but went that night to Stonely, the house then of sir Thomas Lee, where he was well received; and the next day, his body of horse, having a clear view upon an open campania for five or six miles together of the [enemy's] small body of foot, which consisted not of above twelve hundred men with one troop of horse which marched with them over that plain, retired before them, without giving them one charge; which was imputed to the lashty of Wilmot, who commanded; and had a colder courage than many who were under him, and who were of opinion, that they might have easily defeated that body of foot: which would have been a very seasonable victory; would have put Coventry unquestionably into the king's hands, and sent him with a good omen to the setting up of his standard. Whereas, that unhappy retreat, which looked like a defeat, and the rebellious behaviour of Coventry, made his majesty's return to Nottingham very melancholique; and he returned thither the very day the standard was appointed to be set up.

449 According to the proclamation, upon the twenty-fifth day of August, the standard was erected, about six of the clock in the evening of a very stormy and tempestuous day. The king himself, with a small train, rode to the top of the castle-hill, Varney the knight-

marshal, who was standardbearer, carrying the standard, which was then erected in that place, with little other ceremony than the sound of drums and trumpets: melancholique men observed many ill presages about that time. There was not one regiment of foot yet levied and brought thither; so that the trained bands, which the sheriff had drawn thither, was all the strength the king had for his person, and the guard of the standard. There appeared no conflux of men in obedience to the proclamation; the arms and ammunition were not yet come from York, and a general sadness covered the whole town, and the king himself appeared more melancholique than he used to be. The standard itself was blown down the same night it had been set up, by a very strong and unruly wind, and could not be fixed again in a day or two, till the tempest was allayed. And this was the melancholique state of the king's affairs when the standard was set up.

THE END OF THE FIFTH BOOK.

THE
HISTORY OF THE REBELLION, &c.

BOOK VI.

WHEN the king set up his standard at Nottingham, which was the 25th of August, as is before remembered, he found the place much emptier than he thought the fame of his standard would have suffered it to be; and received intelligence the next day, that the rebels' army, for such now he had declared them, was horse, foot, and cannon, at Northampton; besides that great party which, in the end of the [fifth] book, we left at Coventry: whereas his few cannon and ammunition were still at York, being neither yet in an equipage to march, though sir John Heydon, his majesty's faithful lieutenant general of the ordnance, used all possible diligence to form and prepare it; neither were there foot enough levied to guard it: and at Nottingham, besides some few of the trained bands, which sir John Digby, the active sheriff of that county, drew into the old ruinous castle there, there were not of foot levied for the service yet three hundred men. So that they who were not overmuch given to fear, finding very many places in that great river, which was looked upon as the only strength and security of the town, to be easily fordable, and nothing towards an army for defence but the standard set up, began sadly

to apprehend the danger of the king's own person. Insomuch that sir Jacob Ashley, his sergeant-major-general of his intended army, told him, "that he could not give any assurance against his majesty's being taken out of his bed, if the rebels should make a brisk attempt to that purpose." And it was evident, all the strength he had to depend upon was his horse, which were under the command of prince Rupert at Leicester, and were not at that time in number above eight hundred, few better armed than with swords; whilst the enemy had, within less than twenty miles of that place, double the number of horse excellently armed and appointed, and a body of five thousand foot well trained and disciplined; so that, no doubt, if they had advanced, they might at least have dispersed those few troops of the king's, and driven his majesty to a greater distance, and exposed him to notable hazards and inconveniences.

² When men were almost confounded with this prospect, his majesty received intelligence, that Portsmouth was so straitly besieged by sea and land, that it would be reduced in very few days, except it were relieved. For the truth is, colonel Goring, though he had sufficient warning, and sufficient supplies of money to put that place into a posture, had relied too much upon probable and casual assistance, and neglected to do that himself, [which] a vigilant officer would have done: and albeit his chief dependence was both for money and provisions from the Isle of Wight, yet he was careless to secure those small castles and blockhouses which guarded the river; which revolting to the parliament as soon as he declared for the king, cut off all those unreasonable dependences; so that he had neither men enough to do ordinary duty, nor provisions enough for those few, for any considerable time. And at the same time with this of Portsmouth, arrived certain advertisements, that the marquis of Hertford, and all his forces

in the west, from whom only the king hoped that Portsmouth should be relieved, was driven out of Somersetshire, where his power and interest was believed unquestionable, into Dorsetshire; and there besieged in Sherborne castle.

3 The marquis, after he left the king at Beverley, by ordinary journeys, and without making any long stay by the way, came to Bath, upon the very edge of Somersetshire, at the time when the general assizes were there held; where meeting all the considerable gentlemen of that great county, and finding them well affected to the king's service, except very few who were sufficiently known, he entered into consultation with them from whom he was to expect assistance, in what place he should most conveniently fix himself for the better disposing the affections of the people, and to raise a strength for the resistance of any attempt which the parliament might make, either against them, or to disturb the peace of the country by their ordinance of the militia, which was the first power they were like to hear of. Some were of opinion, "that Bristol would be the fittest place, being a great, rich, and populous city; of which being once possessed, they should be easily able to give the law to Somerset and Gloucestershire; and could not receive any affront by a sudden or tumultuary insurrection of the people." And if this advice had been followed, it would probably have proved very prosperous. But, on the contrary, it was objected, "that it was not evident, that his lordship's reception into that city would be such as was expected; Mr. Hollis being lieutenant thereof, and having exercised the militia there; and there being visibly many disaffected people in it, and some of eminent quality; and if he should attempt to go thither, and be disappointed, it would break the whole design: then that it was out of the county of Somerset, and therefore that they could not [legally] draw that people thither; besides, that it would

look like fear and suspicion of their own power, to put themselves into a walled town, as if they feared the power of the other party would be able to oppress them. Whereas, besides Popham and Horner, all the gentlemen of eminent quality and fortune of Somerset were either present with the marquis, or presumed not to be inclined to the parliament." And therefore they proposed "that Wells being a pleasant city, in the heart and near the centre of that county, might be chosen for his lordship's residence." Which was accordingly agreed on, and thither the marquis and his train went, sending for the nearest trained bands to appear before him; and presuming that in little time, by the industry of the gentlemen present, and his lordship's reputation, which was very great, the affections of the people would be so much wrought upon, and their understandings so well informed, that it would not be in the power of the parliament to pervert them, or to make ill impressions in them towards his majesty's service.

- 4 Whilst his lordship in this gentle way endeavoured to compose the fears and apprehensions of the people, and by doing all things in a peaceable way, and according to the rules of the known laws, to convince all men of the justice and integrity of his majesty's proceedings and royal intentions; the other party, according to their usual confidence and activity, wrought underhand to persuade the people that the marquis was come down to put the commission of array in execution, by which commission a great part of the estate of every farmer or substantial yeoman should be taken from them; alleging, that some lords had said, "that twenty pounds by the year was enough for any peasant to live by;" and so, taking advantage of the commission's being in Latin, translated it into what English they pleased; persuading the substantial yeomen and freeholders, that at least two parts of their estates would by that commission be taken from them; and the meaner and poorer sort of people, that

5. *The parliamentary measures are promptly executed. (1642.)* 323

they were to pay a tax for one day's labour in the week to the king; and that all should be, upon the matter, no better than slaves to the lords, and that there was no way to free and preserve themselves from this insupportable tyranny, than by adhering to the parliament, and submitting to the ordinance for the militia; which was purposely prepared to enable them to resist these horrid invasions of their liberties.

5 It is not easily believed how these gross infusions generally prevailed. For though the gentlemen of ancient families and estates in that county were for the most part well affected to the king, and easily discerned by what faction the parliament was governed; yet there were a people of an inferior degree, who, by good husbandry, clothing, and other thriving arts, had gotten very great fortunes; and, by degrees, getting themselves into the gentlemen's estates, were angry that they found not themselves in the same esteem and reputation with those whose estates they had; and therefore, with more industry than the other, studied all ways to make themselves considerable. These, from the beginning, were fast friends to the parliament; and many of them were now intrusted by them as deputy lieutenants in their new ordinance of the militia, and having found when the people were ripe, gathered them together, with a purpose on a sudden, before there should be any suspicion, to surround and surprise the marquis at Wells. For they had always this advantage of the king's party and his counsels, that their resolutions were no sooner published, than they were ready to be executed, there being an absolute implicit obedience in the inferior sort to those who were to command them; and their private agents, with admirable industry and secrecy, preparing all persons and things ready against a call. Whereas all the king's counsels were with great formality deliberated before concluded: and then, with equal formality,

their leaders was so eminent, that it was very probable, if those few troops had been as actively disposed as their commanders desired, they might have been able to have driven the bigots out of the country before they had fully possessed the rest with their own rancour: which may be reasonably presumed by what followed shortly after, when Mr. Digby, sir John Stawell and his sons, with some volunteer gentlemen, being in the whole not above fourscore horse and fourteen dragoons, charged a greater body of horse, and about six hundred foot of the rebels, led by a member of the house of commons; and without the loss of one man killed seven in the place, hurt very many, took their chief officers, and as many more prisoners as they would; and so routed the whole body, that six men kept not together, they having all thrown [down] their arms.

- 7 But this good fortune abated only the courages of those who had run away, the other making use of this overthrow as an argument of the marquis's bloody purposes; and therefore, in few days, sir John Horner and Alexander Popham, being the principal men of quality of that party in that county, with the assistance of their friends of Dorset and Devon, and the city of Bristol, drew together a body of above twelve thousand men, horse and foot, with some pieces of cannon, with which they appeared on the top of the hill over Wells; where the marquis, in contempt of them, stayed two days, having only barricadoed the town; but then, finding that the few trained bands which attended him there were run away, either to their own houses or to their fellows on the top of the hill; and hearing that more forces, or at least better officers, were coming from the parliament against him, he retired in the noon day, and in the face of that rebellious herd, from Wells to Somerton, and so to Sherborne, without any loss or trouble. Thither, within two days, came to his lordship sir John Berkley, colonel Ashburnham, and other good

officers, enough to have formed a considerable army, if there had been no other want. But they had not been long there, (and it was not easy to resolve whither else to go, they having no reason to believe they should be any where more welcome than in Somersetshire, from whence they had been now driven,) when the earl of Bedford, general of the horse to the parliament, with Mr. Hollis, sir Walter Earl, and other ephori, and a complete body of seven thousand foot at least, ordered by Charles Essex, their sergeant-major-general, a soldier of good experience and reputation in the Low Countries, and eight full troops of horse, under the command of captain Pretty, with four pieces of cannon, in a very splendid equipage, came to Wells, and from thence to Sherborne. The marquis, by this time having increased his foot to four hundred, with which that great army was kept from entering that great town, and persuaded to encamp in the field about three quarters of a mile north from the castle, where for the present, we must leave the marquis and his great-spirited little army.

⁸ It could never be understood, why that army did not then march directly to Nottingham; which if it had done, his majesty's few forces must immediately have been scattered, and himself fled, or put himself into their hands, which there were enough ready to have advised him to do; and if he had escaped, he might have been pursued by one regiment of horse till he had quit[t]ed the kingdom. But God blinded his enemies, so that they made not the least advance towards Nottingham. They [about the king] now began to wish that he had stayed at York, and proposed his return thither; but that was not hearkened to; and they who had advised his stay there, and against the advance to Nottingham, were more against his return thither, as an absolute flight; but wished the advance of the levies, and a little patience, till it might be discerned what

the enemy did intend to do. In this great anxiety, some of the lords desired, "that his majesty would send a message to the parliament, with some overture to incline them to a treaty;" which proposition was no sooner made, but most concurred in it, and no one had the confidence to oppose it. The king himself was so offended at it, that he declared, "he would never yield to it;" and brake up the council, that it might be no longer urged. But the next day, when they met again, they renewed the same advice with more earnestness. The earl of Southampton, a person of great prudence, and a reputation at least equal to any man's, pressed it, "as a thing that might do good, and could do no harm;" and the king's reasons, with reference to the insolence it would raise in the rebels, and the dishonour that would thereby reflect upon himself, were answered, by saying "their insolence would be for the king's advantage; and when they should reject the offer of peace, which they believed they would do, they would make themselves the more odious to the people, who would be thereby the more inclined to serve the king." So that they took it as granted, that the proposition would be rejected, and therefore it ought to be made. It was [farther] objected, "that his majesty was not able to make resistance; that the forces before Sherborne, Portsmouth, and at Northampton, were three several armies, the least of which would drive his majesty out of his dominions; that it was only in his power to choose, whether, by making a fair offer himself, he would seem to make peace, which could not but render him very gracious to the people, or suffer himself to be taken prisoner, (which he would not be long able to avoid,) which would give his enemies power, reputation, and authority to proceed against his majesty, and, it might be, his posterity, according to their own engaged malice."

9 Yet this motive made no impression in him. “For, he said, no misfortune, or ill success that might attend his endeavour of defending himself, could expose him to more inconveniences than a treaty at this time desired by him, when he must be understood to be willing to yield to whatsoever they would require of him : and how modest they were like to be, might be judged by their nineteen propositions, which were tendered when their power could not be reasonably understood to be like so much to exceed his majesty’s as at this time it was evident it did ; and that, having now nothing to lose but his honour, he could be only excusable to the world by using his industry to the last to oppose that torrent, which if it [prevailed] would overwhelm him.” This composed courage and magnanimity of his majesty seemed too philosophical, and abstracted from the policy of self-preservation, to which men were passionately addicted : and that which was the king’s greatest disadvantage, how many soever were of his mind, (as some few, and but few, there were,) no man durst publicly avow that he was so ; a treaty for peace being so popular a thing, that whosoever opposed it would be sure to be, by general consent, a declared enemy to his country.

10 That which prevailed with his majesty very reasonably then (and indeed it proved equally advantageous to him afterwards) was, “that it was most probable” (and his whole fortune was to be submitted at best to probabilities) “that, out of their pride and contempt of the king’s weakness and want of power, the parliament would refuse to treat ; which would be so unpopular a thing, that as his majesty would highly oblige his people by making the offer, so they would lose the hearts of them by rejecting it ; which alone would raise an army for his majesty. That if they should embrace it, the king could not but be a gainer ; for by the propositions

which they should make to him, he would be able to state the quarrel so clearly, that it should be more demonstrable to the kingdom than yet it was, that the war was, on his majesty's part, purely defensive; since he never had, and now would not deny any thing, which they could in reason or justice ask: that this very overture would necessarily produce some pause, and delay in their preparations, or motions of their armies; for some debate it must needs have; and during that time, men's minds would be in suspense; whereas his majesty should be so far from slackening his preparations, that he might be more vigorous in them, by hastening those levies for which his commissions were out." For these reasons, and almost the concurrent desire and importunity of his council, the king was prevailed with to send the earls of Southampton and Dorset, sir John Colepepper, chancellor of his exchequer, and sir William Udall, (whom his majesty gave leave under that pretence to intend the business of his own fortune,) to the two houses with this message, which was sent the third day after his standard was set up:

- 11 " We have, with unspeakable grief of heart, long beheld the distractions of this our kingdom. Our very soul is full of anguish, until we may find some remedy to prevent the miseries which are ready to overwhelm this whole nation by a civil war. And though all our endeavours, tending to the composing of those unhappy differences betwixt us and our two houses of parliament, (though pursued by us with all zeal and sincerity,) have been hitherto without that success we hoped for; yet such is our constant and earnest care to preserve the public peace, that we shall not be discouraged from using any expedient, which, by the blessing of the God of mercy, may lay a firm foundation of peace and happiness to all our good subjects. To this end, observing that many mistakes have arisen by the messages, petitions, and answers, betwixt us and our two houses of parliament, which happily

may be prevented by some other way of treaty, wherein the matters in difference may be more clearly understood and more freely transacted; we have thought fit to propound to you, that some fit persons may be by you enabled to treat with the like number to be authorized by us, in such a manner, and with such freedom of debate, as may best tend to that happy conclusion which all good men desire, the peace of the kingdom. Wherein, as we promise, in the word of a king, all safety and encouragement to such as shall be sent unto us, if you shall choose the place where we are, for the treaty, which we wholly leave to you, presuming the like care of the safety of those we shall employ, if you shall name another place; so we assure you, and all our good subjects, that, to the best of our understanding, nothing shall be therein wanting on our part, which may advance the true protestant religion, oppose popery and superstition, secure the law of the land, (upon which is built as well our just prerogative, as the propriety and liberty of the subject,) confirm all just power and privileges of parliament, and render us and our people truly happy by a good understanding betwixt us and our two houses of parliament. Bring with you as firm resolutions to do your duty; and let all our good people join with us in our prayers to Almighty God, for his blessing upon this work. If this proposition shall be rejected by you, we have done our duty so amply, that God will absolve us from the guilt of any of that blood which must be spilt; and what opinion soever other men may have of our power, we assure you nothing but our Christian and pious care to prevent the effusion of blood hath begot this motion; our provision of men, arms, and money, being such as may secure us from farther violence, till it please God to open the eyes of our people."

¹² This message had the same reception his majesty believed it would have; and was indeed received with unheard of insolence and contempt. For the earl of Southampton and sir John Colepepper, desiring to appear themselves before any notice should arrive of their coming, made such haste, that they were at Westminster in the morning shortly after the houses met. The earl of Southampton went into the house of peers, where

he was scarce sat down in his place, when, with great passion, he was called upon to withdraw; albeit he told them he had a message to them from the king, and there could be no exception to his lordship's sitting in the house upon their own grounds; he having had leave from the house to attend his majesty. However he was compelled to withdraw; and then they sent the gentleman usher of the house to him, to require his message; which, his lordship said, he was by the king's command to deliver himself, and refused therefore to send it, except the lords made an order, that he should not [deliver it himself]; which they did; and thereupon he sent it to them; which they no sooner received, than they sent him word, "that he should, at his peril, immediately depart the town, and that they would take care that their answer to the message should be sent to him." And so the earl of Southampton departed the town, reposing himself in better company at the house of a noble person seven or eight miles off. Whilst the earl had this skirmish with the lords, sir John Colepepper attended the commons, forbearing to go into the house without leave, because there had been an order, (which is mentioned before,) that all the members, who were not present at such a day, should not presume to sit there, till they had paid a hundred pounds, and given the house satisfaction in the cause of their absence. But he sent word to the speaker, "that he had a message from the king to them, and that he desired to deliver it in his place in the house." After some debate, (for there remained yet some, who thought it as unreasonable as irregular to deny a member of the house, against whom there had not been the least public objection, and a privy-counsellor who had been in all times used there with great reverence, leave to deliver a message from the king in his own place as a member,) it was absolutely resolved, "that he

should not sit in the house, but that he should deliver his message at the bar, and immediately withdraw;" which he did accordingly.

- 13 And then the two houses met at a conference, and read the king's message with great superciliousness; and within two days, with less difficulty and opposition than can be believed, agreed upon their answer. The king's messengers, in the mean time, being of that quality, not receiving ordinary civility from any members of either house; they who were very willing to have paid it, not daring for their own safety to come near them; and the others looking upon them as servants to a master whom they had, and meant farther to oppress. Private conferences they had with some of the principal governors; from whom they received no other advice, but that, if the king had any care of himself or his posterity, he should immediately come to London, throw himself into the arms of his parliament, and comply in whatsoever they proposed. The answer which they returned to the king was this:

- 14 *The answer of the lords and commons to his majesty's message of the 25th of August, 1642.*

" May it please your majesty :

" The lords and commons, in parliament assembled, having received your majesty's message of the 25th of August, do with much grief resent the dangerous and distracted state of this kingdom; which we have by all means endeavoured to prevent, both by our several advices and petitions to your majesty; which have been not only without success, but there hath followed that which no ill counsel in former times hath produced, or any age hath seen, namely, those several proclamations and declarations against both the houses of parliament, whereby their actions are declared treasonable, and their persons traitors. And thereupon your majesty hath set up your standard against them, whereby you have put the two houses of parliament, and, in them, this whole kingdom, out of your protection; so that until your majesty shall recall those pro-

5. *His majesty's second message to the two houses. (1642.)* 333

clamations and declarations, whereby the earl of Essex, and both houses of parliament, and their adherents, and assistants, and such as have obeyed and executed their commands and directions, according to their duties, are declared traitors or otherwise delinquents : and until the standard, set up in pursuance of the said proclamations be taken down, your majesty hath put us into such a condition, that, whilst we so remain, we cannot, by the fundamental privileges of parliament, the public trust reposed in us, or with the general good and safety of this kingdom, give your majesty any other answer to this message."

15 When the king's messengers returned with this answer to Nottingham, all men saw to what they must trust ; and the king believed he should be no farther moved to make addresses to them. And yet all hopes of an army, or any ability to resist that violence, seemed so desperate, that he was privately advised by those whom he trusted as much as any, and those whose affections were as entire to him as any men's, to give all other thoughts over, and instantly to make all imaginable haste to London, and to appear in the parliament-house before they had any expectation of him. And they conceived there would be more likelihood for him to prevail that way, than by any army he was like to raise. And it must be solely imputed to his majesty's own magnanimity, that he took not that course. However he was contented to make so much farther use of their pride and passion, as to give them occasion, by another message, to publish more of it to the people ; and therefore, within three days after the return of his messengers, he sent the lord Falkland, his principal secretary of state, with a reply to their answer in these words :

16 " We will not repeat, what means we have used to prevent the dangerous and distracted estate of the kingdom, nor how those means have been interpreted ; because, being desirous to avoid the effusion of blood, we are willing to decline all

memory of former bitterness, that might render our offer of a treaty less readily accepted. We never did declare, nor ever intended to declare, both our houses of parliament traitors, or set up our standard against them; and much less to put them and this kingdom out of our protection. We utterly profess against it before God and the world; and, farther to remove all possible scruples, which may hinder the treaty so much desired by us, we hereby promise, so that a day be appointed by you for the revoking of your declarations against all persons as traitors, or otherwise, for assisting us; we shall, with all cheerfulness, upon the same day recall our proclamations and declarations, and take down our standard. In which treaty, we shall be ready to grant any thing that shall be really for the good of our subjects: conjuring you to consider the bleeding condition of Ireland, and the dangerous condition of England, in as high a degree, as by these our offers we have declared ourself to do; and assuring you, that our chief desire, in this world, is to beget a good understanding and mutual confidence betwixt us and our two houses of parliament."

- 17 This message had no better effect or reception than the former; their principal officers being sent down since the last message to Northampton to put the army into a readiness to march. And now they required the earl of Essex himself to make haste thither, that no more time might be lost, sending by the lord Falkland, within two days, this answer to the king:

To the king's most excellent majesty;

- 18 *The humble answer and petition of the lords and commons assembled in parliament, unto the king's last message.*

" May it please your majesty:

" If we, the lords and commons in parliament assembled, should repeat all the ways we have taken, the endeavours we have used, and the expressions we have made unto your majesty, to prevent those distractions and dangers your majesty speaks of, we should too much enlarge this reply. Therefore, as we humbly, so shall we only let your majesty know, that

we cannot recede from our former answer, for the reasons therein expressed. For that your majesty hath not taken down your standard, recalled your proclamations and declarations, whereby you have declared the actions of both houses of parliament to be treasonable, and their persons traitors; and you have published the same since your message of the 25th of August, by your late instructions sent to your commissioners of array; which standard being taken down, and the declarations, proclamations, and instructions recalled, if your majesty shall then, upon this our humble petition, leaving your forces, return unto your parliament, and receive their faithful advice, your majesty will find such expressions of our fidelities and duties as shall assure you, that your safety, honour, and greatness, can only be found in the affections of your people, and the sincere counsels of your parliament; whose constant and undiscouraged endeavours and consultations have passed through difficulties unheard of, only to secure your kingdoms from the violent mischiefs and dangers now ready to fall upon them, and every part of them; who deserve better of your majesty, and can never allow themselves (representing likewise the whole kingdom) to be balanced with those persons, whose desperate dispositions and counsels prevail still to interrupt all our endeavours for the relieving of bleeding Ireland; as we may fear our labours and vast expenses will be fruitless to that distressed kingdom. As your presence is thus humbly desired by us, so it is our hope your majesty will in your reason believe, there is no other way than this, to make your majesty's self happy, and your kingdom safe."

19 And lest this overture of a treaty might be a means to allay and compose the distempers of the people, and that the hope and expectation of peace might not dishearten their party, in their preparations and contributions to the war, the same day they sent their last answer to the king, they published this declaration to the kingdom:

20 "Whereas his majesty, in a message received the fifth of September, requires that the parliament would revoke their declarations against such persons as have assisted his majesty in this unnatural war against his kingdom; it is this day ordered,

and declared by the lords and commons, that the arms, which they have been forced to take up, and shall be forced to take up, for the preservation of the parliament, religion, the laws and liberties of the kingdom, shall not be laid down, until his majesty shall withdraw his protection from such persons as have been voted by both houses to be delinquents, or that shall by both houses be voted to be delinquents, and shall leave them to the justice of the parliament to be proceeded with according to their demerits; to the end that both this and succeeding generations may take warning, with what danger they incur the like heinous crimes: and also to the end that those great charges and damages, wherewith all the commonwealth hath been burdened in the premises, since his majesty's departure from the parliament, may be borne by the delinquents, and other malignant and disaffected persons: and that all his majesty's good and well affected subjects, who by loan of monies, or otherwise at their charge, have assisted the commonwealth, or shall in like manner hereafter assist the commonwealth in time of extreme danger, may be repaid all sums of money lent by them for those purposes, and be satisfied their charges so sustained, out of the estates of the said delinquents, and of the malignant and disaffected party in this kingdom."

- 21 This declaration did the king no harm; for besides that it was evident to all men that the king had done whatsoever was in his power, or could be expected from him, for the prevention of a civil war, all persons of honour and quality plainly discerned that they had no safety but in the preservation of the regal power, since [their] estates were already disposed of by them who could declare whom they would delinquents, and who would infallibly declare all such who had not concurred with them. And the advantage the king received by those overtures, and the pride, frowardness, and perverseness of the rebels, is not imaginable; his levies of men, and all other preparations for the war, being incredibly advanced from the time of his first message. Prince Rupert lay still with the horse at Leicester; and though he, and some of the principal officers with him,

were discontented to that degree, upon the king's first message and desire of a treaty, as like not only to destroy all hopes of raising an army, but to sacrifice those who were raised, that they were not without some thoughts, at least discourses, of offering violence to the principal advisers of it, he now found his numbers increased, and better resolved by it; and from Yorkshire, Lincolnshire, and Staffordshire, came very good recruits of foot; so that his cannon and munition being likewise come up from York, within twenty days his numbers began to look towards an army; and there was another air in all men's faces: yet Nottingham seemed not a good post for his majesty to stay longer at; and therefore, about the middle of September, the earl of Essex being then with his whole army at Northampton, his majesty marched from Nottingham to Derby; being not then resolved whether to bend his course to Shrewsbury or Chester, not well knowing the temper of those towns, in both which the parliament party had been very active; but resolving to sit down near the borders of Wales, where the power of the parliament had been least prevalent, and where some regiments of foot were levying for his service. Before his leaving Nottingham, as a farewell to his hopes of a treaty, and to make the deeper sense and impression in the hearts of the people, of those who had so pertinaciously rejected it, his majesty sent this message to the houses:

- 22 " Who have taken most ways, used most endeavours, and made most real expressions to prevent the present distractions and dangers, let all the world judge, as well by former passages, as by our two last messages, which have been so fruitless, that, though we have descended to desire and press it, not so much as a treaty can be obtained; unless we would denude ourself of all force to defend us from a visible strength marching against us; and admit those persons as traitors to us, who, according to their duty, their oaths of allegiance, and the law, have appeared in defence of us, their king and liege lord, (whom we are

bound in conscience and honour to preserve,) though we disclaimed all our proclamations, and declarations, and the erecting of our standard, as against our parliament. All we have now left in our power, is to express the deep sense we have of the public misery of this kingdom, in which is involved that of our distressed protestants of Ireland; and to apply ourself to our necessary defence, wherein we wholly rely upon the providence of God, the justice of our cause, and the affection of our good people; so far we are from putting them out of our protection. When you shall desire a treaty of us, we shall piously remember whose blood is to be spilt in this quarrel, and cheerfully embrace it. And as no other reason induced us to leave our city of London, but that with honour and safety we could not stay there; nor [to] raise any force, but for the necessary defence of our person and the law, against levies in opposition to both; so we shall suddenly and most willingly return to the one, and disband the other, as soon as those causes shall be removed. The God of heaven direct you, and in mercy divert those judgments which hang over this nation; and so deal with us and our posterity, as we desire the preservation and advancement of the true protestant religion; the law, and the liberty of the subject; the just rights of parliament, and the peace of the kingdom."

- ²³ When the king came to Derby, he received clear information from the well affected party in Shrewsbury, that that town was at his devotion; and that the very rumour of his majesty's purpose of coming thither had driven away all those who were most inclined to sedition. And therefore, as well in regard of the strong and pleasant situation of it, (one side being defended by the Severn, the other having a secure passage into Wales, the confines of Montgomeryshire extending very near the town,) as for the correspondence with Worcester, of which city he hoped well, and that, by his being at Shrewsbury, he should be as well able to secure Chester, as by carrying his whole train so far north; besides that the other might give some apprehension of his going into Ireland, which had been formerly mentioned, his

majesty resolved for that town; and, after one day's stay at Derby, by easy marches he went thither, drawing his whole small forces to a rendezvous by Wellington, a day's march short of Shrewsbury; and that being the first time that they were together, his majesty then caused his military orders for the discipline and government of the army to be read at the head of each regiment; and then, which is not fit ever to be forgotten, putting himself in the middle, where he might be best heard, not much unlike the emperor Trajan, who, when he made Sura great marshal of the empire, gave him a sword, saying, "Receive this sword of me; and if I command as I ought, employ it in my defence; if I do otherwise, draw it against me, and take my life from me," his majesty made this speech to his soldiers:

24 "Gentlemen, you have heard those orders read: it is your part, in your several places, to observe them exactly. The time cannot be long before we come to action, therefore you have the more reason to be careful: and I must tell you, I shall be very severe in the punishing of those, of what condition soever, who transgress these instructions. I cannot suspect your courage and resolution; your conscience and your loyalty hath brought you hither, to fight for your religion, your king, and the laws of the land. You shall meet with no enemies but traitors, most of them Brownists, anabaptists, and atheists; such who desire to destroy both church and state, and who have already condemned you to ruin for being loyal to us. That you may see what use I mean to make of your valour, if it please God to bless it with success, I have thought fit to publish my resolution to you in a protestation; which when you have heard me make, you will believe you cannot fight in a better quarrel; in which I promise to live and die with you."

25 The protestation his majesty was then pleased to make was in these words:

26 "I do promise in the presence of Almighty God, and as I hope for his blessing and protection, that I will, to the utmost of my power, defend and maintain the true reformed protestant

religion established in the church of England, and, by the grace of God, in the same will live and die.

- 27 “I desire to govern by the known laws of the land, and that the liberty and property of the subject may be by them preserved with the same care as my own just rights. And if it please God, by his blessing upon this army, raised for my necessary defence, to preserve me from this rebellion, I do solemnly and faithfully promise, in the sight of God, to maintain the just privileges and freedom of parliament, and to govern by the known laws of the land to my utmost power; and particularly, to observe inviolably the laws consented to by me this parliament. In the mean while, if this time of war, and the great necessity and straits I am now driven to, beget any violation of those, I hope it shall be imputed by God and men to the authors of this war, and not to me; who have so earnestly laboured for the preservation of the peace of this kingdom.
- 28 “When I willingly fail in these particulars, I will expect no aid or relief from any man, or protection from heaven. But in this resolution, I hope for the cheerful assistance of all good men, and am confident of God’s blessing.”
- 29 This protestation, and the manner and solemnity of making it, gave not more life and encouragement to the little army, than it did comfort and satisfaction to the gentry and inhabitants of those parts; into whom the parliament had infused, that, if his majesty prevailed by force, he would, with the same power, abolish all those good laws which had been made this parliament; so that they looked upon this protestation as a more ample security for their enjoying the benefit of those acts, than the royal assent he had before given. And a more general and passionate expression of affection cannot be imagined than he received by the people of those counties of Derby, Stafford, and Shropshire, as he passed; or a better reception, than he found at Shrewsbury; into which town he entered on Tuesday the 20th of September.
- 30 It will be, and was then, wondered at, that since the parliament had a full and well formed army before the

king had one full regiment, and the earl of Essex was himself come to Northampton some days before his majesty went from Nottingham, his lordship neither disquieted the king whilst he stayed there, nor gave him any disturbance in his march to Shrewsbury; which if he had done, he might either have taken him prisoner, or so dispersed his small power, that it would never have been possible for him to have gotten an army together. But as the earl had not yet received his instructions, so they, upon whom he depended, avoided that expedition out of mere pride, and contempt of the king's forces; and upon a presumption, that it would not be possible for him to raise such a power as would be able to look their army in the face; but that, when he had in vain tried all other ways, and those, who not only followed him upon their own charges, but supported those who were not able to bear their own, (for his army was maintained and paid by the nobility and gentry, who served likewise in their own persons,) were grown weary and unable longer to bear that burden, his majesty would be forced to put himself into their arms for protection and subsistence; and such a victory without blood had crowned all their designs. And if their army, which they pretended to raise only for their defence, and for the safety of the king's person, had been able to prevent the king's raising any; or if the king, in that melancholique conjuncture at Nottingham, had returned to Whitehall, he had justified all their proceedings, and could never after have refused to yield to whatsoever they proposed.

31 And it is most certain that the common soldiers of the army were generally persuaded that they should never be brought to fight, but that the king was in truth little better than imprisoned by evil counsellors, malignants, delinquents, and cavaliers, (the terms applied to his whole party,) and would gladly come to his parliament if he could break from that company; which he

would undoubtedly do, if their army came once to such a distance that his majesty might make an escape to them. And in this kind of discourse they were so sottish, that they were persuaded, that those persons, of whose piety, honour, and integrity they had received heretofore the greatest testimony, were now turned papists; and that the small army, and forces the king had, consisted of no other than papists. Insomuch as truly those of the king's party who promised themselves any support but from the comfort of their own consciences, or relied upon any other means than from God Almighty, could hardly have made their expectations appear reasonable; for they were in truth possessed of the whole kingdom.

³² Portsmouth, the strongest and best fortified town then in the kingdom, was surrendered to them; colonel Goring, about the beginning of September, though he had seemed to be so long resolved and prepared to expect a siege, and had been supplied with monies according to his own proposal, was brought so low, that he gave it up, only for liberty to transport himself beyond seas, and for his officers to repair to the king. And it were to be wished that there might be no more occasion to mention him hereafter, after this repeated treachery; and that his incomparable dexterity and sagacity had not prevailed so far over those who had been so often deceived by him, as to make it absolutely necessary to speak at large of him more than once before this discourse comes to an end.

³³ The marquis of Hertford, though he had so much discredited the earl of Bedford's soldiery, and disheartened his great army, that the earl of Bedford (after lying in the fields four or five nights within less than cannon shot of the castle and town, and after having refused to fight a duel with the marquis, to which he provoked him by a challenge) sent sir John Norcot, under pretence of a treaty

and the godly care to avoid the effusion of Christian blood, in plain English to desire "that he might fairly and peaceably draw off his forces, and march away;" the which, how reasonable a request soever it was, the marquis refused; sending them word, "that as they came thither upon their own counsels, so they should get off as they could;" and at last they did draw off, and march above a dozen miles for repose; leaving the marquis for some weeks undisturbed at Sherborne: yet when he heard of the loss of Portsmouth, the relief whereof was his principal business, and so that those forces would probably be added to the earl of Bedford, and by their success give much courage to his bashful army, and that a good regiment of horse which he expected (for sir John Byron had sent him word from Oxford that he would march towards him) was retired to the king; and that the committees were now so busy in the several counties, that the people in all places declared for the parliament; and more particularly some strong and populous towns in Somersetshire; as Taunton, Wellington, and Dunstar-Castle; by reason whereof it would not be possible for him to increase his strength; he resolved to leave Sherborne, where his stay could no way advance the king's service, and to try all ways to get to his majesty. But when he came to Minhead, a port-town, from whence he made no doubt he should be able to transport himself and his company into Wales, he found the people both of the town and county so disaffected, that all the boats, of which there used always to be great store, by reason of the trade for cattle and corn with Wales, were industriously sent away, save only two; so that the earl of Bedford having taken new heart, and being within four miles with his army, his lordship, with his small cannon and few foot, with the lord Pawlet, lord Seymour, and some gentlemen of Somersetshire, transported himself into Glamorganshire; leaving sir Ralph Hopton, sir John

Berkley, Mr. Digby, and some other officers with their horse, (consisting of about one hundred and twenty,) to march into Cornwall, in hope to find that county better prepared for their reception.

- 34 On the other hand, the earl of Bedford, thinking those few fugitives not worth his farther care, and that they would be easily apprehended by the committee of the militia, which was very powerful in Devon and Cornwall, contented himself with having driven away the marquis, and so expelled all hope of raising an army for the king in the west; and retired with his forces to the earl of Essex, as sir William Waller had done from Portsmouth; so that as it was not expected that the forces about his majesty could be able to defend him against so puissant an army, so it was not imaginable that he could receive any addition of strength from any other parts. For wherever they found any person of quality inclined to the king, or but disinclined to them, they immediately seized upon his person, and sent him in great triumph to the parliament; who committed him to prison, with all circumstances of cruelty and inhumanity.

- 35 Thus they took prisoner the lord Montague of Boughton, at his house in Northamptonshire, a person of great reverence, being above fourscore years of age, and of unblemished reputation, for declaring himself unsatisfied with their disobedient and undutiful proceedings against the king, and more expressly against their ordinance for the militia; and notwithstanding that he had a brother of the house of peers, the lord privy seal, and a nephew, the lord Kimbolton, who had as full a power in that council as any man, and a son in the house of commons very unlike his father; his lordship was committed to the Tower a close prisoner; and, though he was afterwards remitted to more air, he continued a prisoner to his death.

Thus they took prisoner in Oxfordshire the earl of

Berkshire, and three or four principal gentlemen of that county; and committed them to the Tower, for no other reason but wishing well to the king; for they never appeared in the least action in his service. And thus they took prisoner the earl of Bath in Devonshire, who neither had, or ever meant to do the king the least service; but only out of the morosity of his own nature, had before, in the house, expressed himself not of their mind; and carried him, with many other gentlemen of Devon and Somerset, with a strong guard of horse, to London; where, after they had been exposed to the rudeness and reproach of the common people, who called them traitors and rebels to the parliament, and pursued them with such usage as they use to the most infamous malefactors, they were, without ever being examined, or charged with any particular crime, committed to several prisons; so that not only all the prisons about London were quickly filled with persons of honour, and great reputation for sobriety and integrity to their counties, but new prisons were made for their reception; and, which was a new and barbarous invention, very many persons of very good quality, both of the clergy and laity, were committed to prison on board the ships in the river of Thames; where they were kept under decks, and no friend suffered to come to them; by which many lost their lives. And that the loss of their liberty might not be all their punishment, it was the usual course, and very few escaped it, after any man was committed as a notorious malignant, (which was the brand,) that his estate and goods were seized or plundered, by an order from the house of commons, or some committee, or the soldiers, who in their march took the goods of all catholics and eminent malignants as lawful prize; or by the fury and license of the common people, who were in all places grown to that barbarity and rage against the nobility and gentry, (under the style of cavaliers,) that it

was not safe for any to live at their houses who were taken notice of as no votaries to the parliament.

37 So the common people (no doubt by [the] advice of their superiors) in Essex on a sudden beset the house of sir John Lucas, one of the best gentlemen of that county, and of the most eminent affection to the king, being a gentleman of the privy chamber to the prince of Wales; and, upon pretence that he was going to the king, possessed themselves of all his horses and arms, seized upon his person, and used him with all possible indignities, not without some threats to murder him: and when the mayor of Colchester, whither he was brought, with more humanity than the rest, offered to keep him prisoner in his own house till the pleasure of the parliament should be farther known, they compelled him, for he was willing to be compelled, to send him to the common gaol; where he remained, glad of that security, till the house of commons removed him to another prison, (without ever charging him with any crime,) having sent all his horses to the earl of Essex, to be used in the service of that army.

38 At the same time the same rabble entered the house of the countess of Rivers, near Colchester, for no other ground than that she was a papist; and in few hours dis-furnished it of all the goods which had been many years with great curiosity providing, and were not of less value than forty thousand pounds sterling; the countess herself hardly escaping, after great insolence had been used to her person: and [she] could never receive any reparation from the parliament; so that these and many other instances of the same kind in London and the parts adjacent, gave sufficient evidence to all men how little else they were to keep who meant to preserve their allegiance and integrity in the full vigour.

39 I must not forget, though it cannot be remembered without much horror, that this strange wildfire among

o. *Scripture is much perverted by seditious preachers.* (1642.) 347

the people was not so much and so furiously kindled by the breath of the parliament, as of the clergy, who both administered fuel and blowed the coals in the houses too. These men having creaped into, and at last driven all learned and orthodox men from, the pulpits, had, as is before remembered, from the beginning of this parliament, under the notion of reformation and extirpating of popery, infused seditious inclinations into the hearts of men against the present government of the church, with many libellous invectives against the state too. But since the raising an army, and rejecting the king's last overture of a treaty, they contained themselves within no bounds; and as freely and without control inveighed against the person of the king, as they had before against the worst malignant; profanely and blasphemously applying whatsoever had been spoken and declared by God himself, or the prophets, against the most wicked and impious kings, to incense and stir up the people against their most gracious sovereign.

- 40 There are monuments enough in the seditious sermons at that time printed, and in the memories of men, of others not printed, of such wresting and perverting of scripture to the odious purposes of the preacher, that pious men will not look over without trembling. One takes his text out of Moses's words in the 32d chapter of Exodus, and the 29th verse; *Consecrate yourselves to-day to the Lord, even every man upon his son, and upon his brother, that he may bestow upon you a blessing this day*: and from thence incites his auditory to the utmost prosecution of those, under what relation soever of blood, neighbourhood, dependence, who concurred not in the reformation proposed by the parliament. Another makes as bold with David's words, in the 1st Chron. chap. xxii. verse 16. *Arise therefore, and be doing*: and from thence assures them, it was not enough to wish well to the parliament; if they brought not their purse as well as their

prayers, and their hands as well as their hearts, to the assistance of it, the duty in the text was not performed. There [were] more than Mr. Marshall, who from the 23d verse of the 5th chapter of Judges, *Curse ye Meroz, said the angel of the Lord; curse ye bitterly the inhabitants thereof, because they came not to the help of the Lord, to the help of the Lord against the mighty*; presumed to inveigh against, and in plain terms to pronounce God's own curse against all those who came not, with their utmost power and strength, to destroy and root out all the malignants who in any degree opposed the parliament.

- 41 There was one, who from the 48th chapter of the prophet Jeremiah, and the 10th verse, *Cursed be he that keepeth back his sword from blood*, reproved those who gave any quarter to the king's soldiers. And another out of the 5th verse of the 25th chapter of Proverbs, *Take away the wicked from before the king, and his throne shall be established in righteousness*, made it no less a case of conscience by force to remove the evil counsellors from the king, (with bold intimation what might be done to the king himself, if he would not suffer them to be removed,) than to perform any Christian duty that is enjoined. It would fill a volume to insert all the impious madness of this kind, so that the complaint of the prophet Ezekiel might most truly and seasonably have been applied; *There is a conspiracy of her prophets in the midst thereof, like a roaring lion ravening the prey; they have devoured souls; they have taken the treasure and precious things; they have made her many widows in the midst thereof.* Ezek. xxii. 25.

- 42 It was the complaint of Erasmus of the clergy in his time, that when princes were inclinable to wars, *alius e sacro suggesto promittit omnium admissorum condonationem, alius promittit certam victoriam, prophetarum voces ad rem impiam detorquens. Tam bellaces conciones audivimus*, says he. And indeed no good Christian can without

horror think of those ministers of the church, who, by their function being messengers of peace, were the only trumpets of war, and incendiaries towards rebellion. How much more Christian was that Athenian nun in Plutarch, and how shall she rise up in judgment against those men, who, when Alcibiades was condemned by the public justice of the state, and a decree made that all the religious priests and women should ban and curse him, stoutly refused to perform that office; answering, "that she was professed religious, to *pray* and to *bless*, not to *curse* and to *ban*." And if the person and the place can improve and aggravate the offence, (as without doubt it doth, both before God and man,) methinks the preaching treason and rebellion out of the pulpit should be worse than the advancing it in the market, as much as poisoning a man at the communion would be worse than murdering him at a tavern. And it may be, in that catalogue of sins which the zeal of some men hath thought to be the sin against the Holy Ghost, there may not be any one more reasonably thought to be such, than a minister of Christ's turning rebel against his prince, (which is a most notorious apostasy against his order,) and his preaching rebellion to the people as the doctrine of Christ; which, adding blasphemy and pertinacy to his apostasy, hath all the marks by which good men are taught to avoid that sin against the Holy Ghost.

- 43 Within three or four days after the king's remove from Nottingham, the earl of Essex, with his whole army, removed from Northampton, and marched towards Worcester; of which his majesty had no sooner intelligence, than he sent prince Rupert, with the greatest part of the horse, on the other side of the Severn, towards that city; as well to observe the motion of the enemy, as to give all assistance to that place, which had declared good affections to him; at least to countenance and secure the retreat of those gentlemen, who were there raising forces

for the king; but especially to join with sir John Byron, whom his majesty had sent, in the end of August, to Oxford, to convey some money, which had been secretly brought from London thither, to his majesty. And he, after some small disasters in his march, by the insurrection of the country people, who were encouraged by the agents for the parliament, and seconded by the officers of the militia, came safe with his charge to Worcester; where he had been very few hours, when a strong party of horse and dragoons, being sent by the earl of Essex, under the command of Nathaniel Fiennes, son to the lord Say, came to surprise the town; which was open enough to have been entered in many places, though in some it had an old decayed wall, and at the most usual and frequented entrances into the city weak and rotten gates to be shut, but without either lock or bolt.

44 Yet this doughty commander, coming early in the morning, when the small guard which had watched, conceiving all to be secure, were gone to rest, and being within musket shot of the gate before he was discovered, finding that weak door shut, or rather closed against him, and not that quick appearance of a party within the town, as he promised himself, without doing any harm, retired in great disorder, and with so much haste, that the wearied horse, sent out presently to attend him, could not overtake any of his train; so that when prince Rupert came thither, they did not conceive any considerable party of the enemy to be near. However his highness resolved to retire from thence, as soon as he should receive perfect intelligence of the motion of the enemy, or where certainly he was, when on the sudden, being reposing himself on the ground with prince Maurice his brother, the lord Digby, and the principal officers, in the field before the town, some of his wearied troops (for they had had a long march) being by, but the rest and most of the officers being in the town, he espied a fair

body of horse, consisting of near five hundred, marching in very good order up a lane within musket shot of him. In this confusion, they had scarce time to get upon their horses, and none to consult of what was to be done, or to put themselves into their several places of command. And, it may be, it was well they had not; for if all those officers had been in the heads of their several troops, it is not impossible it might have been worse. But the prince instantly declaring, "that he would charge;" his brother, the lord Digby, commissary general Wilmot, sir John Byron, sir Lewis Dives, and all those officers and gentlemen whose troops were not present or ready, put themselves next the prince; the other wearied troops coming in order after them.

- 45 And in this manner the prince charged them as soon as they came out of the lane; and being seconded by this handful of good men, though the rebels being gallantly led by colonel Sandys, (a gentleman of Kent, and the son of a worthy father,) and completely armed both for offence and defence, stood well; yet in a short time many of their best men being killed, and colonel Sandys himself falling with his hurts, the whole body was routed, fled, and was pursued by the conquerors for the space of above a mile. The number of the slain were not many, not above forty or fifty, and those most officers; for their arms were so good, that in the charge they were not to be easily killed, and in the chase the goodness of their horse made it impossible. Colonel Sandys, who died shortly after of his wounds, captain Wingate, who was the more known by being a member of the house of commons, though taken notice of for having in that charge behaved himself stoutly, and two or three Scotch officers, were taken prisoners. Of the king's party none of name was lost: commissary general Wilmot hurt with a sword in the side, and sir Lewis Dives in the shoulder, and two or three other officers of inferior note; none

miscarrying of their wounds, which was the more strange for that, by reason they expected not an encounter, there was not, on the prince's side, a piece of armour worn that day, and but few pistols; so that most of the hurt that was done was by the sword. Six or seven cornets [of the enemy's] were taken, and many good horses, and some arms; for they who ran away made themselves as light as they could.

⁴⁶ This rencounter proved of unspeakable advantage and benefit to the king. For it being the first action his horse had been brought to, and that party of the enemy being the most picked and choice men, it gave his troops great courage, and rendered the name of prince Rupert very terrible, and exceedingly appalled the adversary; insomuch as they had not, in a long time after, any confidence in their horse, and their very numbers were much lessened by it. For that whole party being routed, and the chief officers of name and reputation either killed or taken, though the number lost upon the place was not considerable, there were very many more who never returned to the service; and, which was worse, for their own excuse, in all places, talked aloud of the incredible and irresistible courage of prince Rupert and the king's horse. So that, from this time, the parliament began to be apprehensive that the business would not be as easily ended as it was begun, and that the king would not be brought back to his parliament with their bare votes. Yet how faintly soever the private pulses beat, (for no question many who had made greatest noise wished they were again to choose their side,) there was so far from any visible abatement of their mettle, that to weigh down any possible supposition that they might be inclined or drawn to treat with the king, or that they had any apprehension that the people would be less firm and constant to them, they proceeded to bolder acts to evince both, than they had yet done.

47 For to the first, to shew how secure they were against resentment from his allies, as well as against his majesty's own power, they caused the Capuchin friars, who, by the articles of marriage, were to have a safe reception and entertainment in the queen's family, and had, by her majesty's care, and at her charge, a small, but a convenient habitation, by her own chapel, in her own house, in the Strand, and had continued there, without disturbance, from the time of the marriage, after many insolences and indignities offered to them by the rude multitude, even within those gates of her own house, to be taken from thence, and to be sent over into France, with protestation, "that if they were found again in England, they should be proceeded against as traitors:" and this in the face of the French ambassador, who notwithstanding withdrew not from them his courtship and application.

48 Then, that the king might know how little they dreaded his forces, they sent down their instructions to the earl of Essex their general, who had long expected them; whereby, amongst other things of form for the better discipline of the army,

49 "They required him to march, with such forces as he thought fit, towards the army raised, in his majesty's name, against the parliament and the kingdom; and with them, or any part of them, to fight at such time and place as he should judge most to conduce to the peace and safety of the kingdom: and that he should use his utmost endeavour by battle, or otherwise, to rescue his majesty's person, and the persons of the prince and the duke of York, out of the hands of those desperate persons who were then about them. They directed him to take an opportunity, in some safe and honourable way, to cause the petition of both houses of parliament, then sent to him, to be presented to his majesty; and if his majesty should thereupon please to withdraw himself from the forces then about him, and to resort to the parliament, his lordship should cause his majesty's forces to disband, and should serve and defend his majesty with a suffi-

cient strength in his return. They required his lordship to publish and declare, that if any who had been so seduced, by the false aspersions cast upon the proceedings of the parliament, as to assist the king in acting of those dangerous counsels, should willingly, within ten days after such publication in the army, return to their duty, not doing any hostile act within the time limited, and join themselves with the parliament in defence of religion, his majesty's person, the liberties and laws of the kingdom, and privileges of parliament, with their persons and estates, as the members of both houses and the rest of the kingdom have done, that the lords and commons would be ready, upon their submission, to receive such persons in such manner, as they should have cause to acknowledge they had been used with clemency and favour; provided that that favour should not extend to admit any man into either house of parliament, who stood suspended, without giving satisfaction to the house whereof he should be a member; and except all persons who stood impeached, or particularly voted in either house of parliament for any delinquency whatsoever; excepting likewise such adherents of those who stood impeached in parliament of treason, as had been eminent persons, and chief actors in those treasons."

50 And lest those clauses of exception (which no doubt comprehended all the king's party, and if not, they were still to be judges of their own clemency and favour, which was all was promised to the humblest penitent) might invite those, whom they had no mind to receive on any terms, they vouchsafed a "particular exception of the earl of Bristol, the earl of Cumberland, the earl of Newcastle, the earl of Rivers, the duke of Richmond, the earl of Carnarvon, the lord Newark, and the lord viscount Falkland, principal secretary of state to his majesty, Mr. Secretary Nicholas, Mr. Endymion Porter, and Mr. Edward Hyde;" against not one of whom there was a charge depending of any crime, and against very few of them so much as a vote, which was no great matter of delinquency.

51 It will be here necessary to insert the petition, directed to be presented in some safe and honourable way to his

majesty; the rather for that the same was, upon the reasons hereafter mentioned, never presented; which was afterwards objected to his majesty as a rejection of peace on his part when they desired it. The petition was in these words:

52 “ We, your majesty’s loyal subjects, the lords and commons in parliament, cannot, without great grief, and tenderness of compassion, behold the pressing miseries, the imminent dangers, and the devouring calamities, which extremely threaten, and have partly seized upon, both your kingdoms of England and Ireland, by the practices of a party prevailing with your majesty; who, by many wicked plots and conspiracies, have attempted the alteration of the true religion, and the ancient government of this kingdom, and the introducing of popish idolatry and superstition in the church, and tyranny and confusion in the state; and, for the compassing thereof, have long corrupted your majesty’s counsels, abused your power, and, by sudden and untimely dissolving of former parliaments, have often hindered the reformation and prevention of those mischiefs; and being now disabled to avoid the endeavours of this parliament, by any such means, have traitorously attempted to overawe the same by force; and, in prosecution of their wicked designs, have excited, encouraged, and fostered an unnatural rebellion in Ireland; by which, in a most cruel and outrageous manner, many thousands of your majesty’s subjects there have been destroyed; and, by false slanders upon your parliament, and malicious and unjust accusations, have endeavoured to begin the like massacre here; and being, through God’s blessing, therein disappointed, have, as the most mischievous and bloody design of all, drawn your majesty to make war against your parliament and good subjects of this kingdom, leading in your person an army against them, as if you intended, by conquest, to establish an absolute and illimited power over them; and by your power, and the countenance of your presence, you have ransacked, spoiled, imprisoned, and murdered divers of your people; and, for their better assistance in their wicked designs, do seek to bring over the rebels of Ireland, and other forces, beyond the seas, to join with them.

53 “ And we, finding ourselves utterly deprived of your majesty’s protection, and the authors, counsellors, and abettors of these

mischiefs in greatest power and favour with your majesty, and defended by you against the justice and authority of your high court of parliament; whereby they are grown to that height and insolence, as to manifest their rage and malice against those of the nobility, and others, who are any whit inclinable to peace, not without great appearance of danger to your own royal person, if you shall not in all things concur with their wicked and traitorous courses; have, for the just and necessary defence of the protestant religion, of your majesty's person, crown, and dignity, of the laws and liberties of the kingdom, and the privileges and power of parliament, taken up arms, and appointed and authorized Robert earl [of] Essex to be captain general of all the forces by us raised, and to lead and conduct the same against these rebels and traitors, and them to subdue, and bring to condign punishment; and do most humbly beseech your majesty to withdraw your royal presence and countenance from these wicked persons; and if they shall stand out in defence of their rebellious and unlawful attempts, that your majesty will leave them to be suppressed by that power which we have sent against them; and that your majesty will not mix your own dangers with theirs, but in peace and safety, without your forces, forthwith return to your parliament; and by their faithful counsel and advice, compose the present distempers and confusions abounding in both your kingdoms; and provide for the security and honour of yourself and your royal posterity, and the prosperous estate of all your subjects; wherein if your majesty please to yield to our most humble and earnest desires, we do, in the presence of Almighty God, profess, that we will receive your majesty with all honour, yield you all due obedience and subjection, and faithfully endeavour to secure your person and estate from all dangers; and, to the uttermost of our power, to procure and establish to yourself and to your people all the blessings of a glorious and happy reign."

- 54 Then, that it might appear they were nothing jealous or apprehensive of the people's defection and revolt from them, whereas before they had made the general desire of the kingdom the ground and argument for whatsoever they had done, and had only invited men to contribute freely what they thought fit to the charge in hand, with-

out compelling any who were unwilling; they now took notice not only of those who opposed their proceedings, or privately dissuaded other men from concurring with them, but of those who, either out of fear or covetousness, or both, had neglected really to contribute; and therefore they boldly published their votes, (which were laws to the people, or of much more authority,) "That all such persons as should not contribute to the charge of the commonwealth, in that time of eminent necessity, should be disarmed and secured;" and that this vote might be the more terrible, they ordered, the same day, the mayor and sheriffs of London, "to search the houses, and seize the arms belonging to some aldermen, and other principal and substantial citizens of London," whom they named in their order; "for that it appeared by the report from their committee, that they had not contributed, as they ought, to the charge of the commonwealth."

55 And by this means the poorest and lowest of the people became informers against the richest and most substantial; and the result of searching the houses and seizing the arms was, the taking away plate, and things of the greatest value, and very frequently plundering whatsoever was worth the keeping. They farther appointed, "that the fines, rents, and profits of archbishops, bishops, deans, deans and chapters, and of all delinquents, who had taken up arms against the parliament, or had been active in the commission of array, should be sequestered for the use and benefit of the commonwealth." And that the king might not fare better than his adherents, they directed "all his revenue, arising out of rents, fines in courts of justice, composition for wards, and the like, and all other his revenue, should be brought into the several courts, and other places, where they ought to be paid in, and not issued forth, or paid forth, until farther order should be taken by both houses of par-

liament;” without so much as assigning him any part of his own towards the support of his own person.

56 This stout invasion of the people’s property, and compelling them to part with what was most precious to them, any part of their estates, was thought by many an unpolitic act, in the morning of their sovereignty, and that it would wonderfully have irreconciled their new subjects to them. But the conductors well understood, that their empire already depended more on the fear than love of the people; and that as they could carry on the war only by having money enough to pay the soldiers, so, that whilst they had that, probably they should not want men to recruit their armies upon any misadventure.

57 It cannot be imagined how great advantage the king received by the parliament’s rejecting the king’s messages for peace, and their manner in doing it. All men’s mouths were opened against them, the messages and answers being read in all churches; they, who could not serve him in their persons, contrived ways to supply him with money. Some eminent governors in the universities gave him notice that all the colleges were very plentifully supplied with plate, which would amount to a good value, and lay useless in their treasuries, there being enough besides for their [common] use; and there was not the least doubt, but that whensoever his majesty should think fit to require that treasure, it would all be sent to him. Of this the king had long thought, and when he was at Nottingham, in that melancholique season, two gentlemen were despatched away to Oxford and to Cambridge, (two to each,) with letters to the several vice-chancellors, that [they] should move the heads and principals of the several colleges and halls, that they would send their plate to the king; private advertisements being first sent to some confident persons to prepare and dispose those, without whose consent the service could not be performed.

- 58 This whole affair was transacted with so great secrecy and discretion, that the messengers returned from the two universities in as short a time as such a journey could well be made; and brought with them all, or very near all, their plate, and a considerable sum of money, which was sent as a present to his majesty from several of the heads of colleges out of their own particular stores; some scholars coming with it, and helping to procure horses and carts for the service; all which came safe to Nottingham, at the time when there appeared no more expectation of a treaty, and contributed much to raising the dejected spirits of the place. The plate was presently weighed out, and delivered to the several officers, who were intrusted to make levies of horse and foot, and who received it as money; the rest was carefully preserved to be carried with the king, when he should remove from thence; secret orders being sent to the officers of the mint, to be ready to come to his majesty as soon as he should require them; which he meant to do, as soon as he should find himself in a place convenient. There was now no more complaining or murmuring. Some gentlemen undertook to make levies upon their own credit and interest, and others sent money to the king upon their own inclinations.
- 59 There was a pleasant story, then much spoken of in the court, which administered some mirth. There were two great men who lived near Nottingham, both men of great fortunes and of great parsimony, and known to have much money lying by them, Pierrepont, earl of Kingston, and Leake, lord Dencourt. To the former the lord Capel was sent; to the latter, John Ashburnham of the bedchamber, and of entire confidence with his master; each of them with a letter, all written with the king's hand, to borrow of each ten or five thousand pounds. Capel was very civilly received by the earl, and entertained as well as the ill accommodations in his

house and his manner of living would admit. He expressed, with wonderful civil expressions of duty, "the great trouble he sustained in not being able to comply with his majesty's commands:" he said, "all men knew that he neither had nor could have money, because he had every year, of ten or a dozen which were past, purchased a thousand pounds land a year; and therefore he could not be imagined to have any money lying by him, which he never loved to have. But, he said, he had a neighbour, who lived within few miles of him, the lord Dencourt, who was good for nothing, and lived like a hog, not allowing himself necessities, and who could not have so little as twenty thousand pounds in the scurvy house in which he lived;" and advised, "that he might be sent to, who could not deny the having of money;" and concluded with great duty to the king, and detestation of the parliament, and as if he meant to consider farther of the thing, and to endeavour to get some money for him; which though he did not remember to send, his affections were good, and he was afterwards killed in the king's service.

60 Ashburnham got no more money, nor half so many good words. The lord Dencourt had so little correspondence with the court, that he had never heard his name; and when he had read the king's letter, he asked from whom it was; and when he told him, "that he saw it was from the king," he replied, "that he was not such a fool as to believe it; that he had received letters both from this king and from his father;" and hastily ran out of the room, and returned with half a dozen letters in his hand; saying, "that those were all the king's letters, and that they always begin with *Right trusty and well-beloved*, and that the king's name was ever at the top; but this letter began with *Dencourt*, and ended with *your loving friend C. R.*, which, he said, he was sure could not be the king's hand." His other treatment was ac-

cording to this, and, after an ill supper, he was shewed an indifferent bed; the lord telling him, "that he would confer more of the matter in the morning;" he having sent his servant with a letter to the lord Falkland, who was his wife's nephew, and who had scarce ever seen his uncle. The man came to Nottingham about midnight, and found my lord Falkland in his bed. The letter was to tell him, "that one Ashburnham was with him, who brought him a letter, which he said was from the king; but he knew that could not be; and therefore he desired to know who this man was, whom he kept in his house till the messenger should return." In spite of the laughter, which could not be forborne, the lord Falkland made haste to inform him of the condition and quality of the person, and that the letter was writ with the king's own hand, which he seldom vouchsafed to do. And the messenger returning early the next morning, his lord[ship] treated Mr. Ashburnham with so different a respect, that he, who knew nothing of the cause, believed that he should return with all the money that was desired. But it was not long before he was undeceived. The lord, with as cheerful a countenance as his could be, for he had a very unusual and unpleasant face, told him, "that though he had no money himself, but was in extreme want of it, he would tell him where he might have money enough; that he had a neighbour, who lived within four or five miles, the earl of Kingston, that never did good to any body, and loved nobody but himself, who had a world of money, and could furnish the king with as much as he had need of; and if he should deny that he had money when the king sent to him, he knew where he had one trunk full, and would discover it; and that he was so ill beloved, and had so few friends, that nobody would care how the king used him." And this good counsel was all Mr. Ashburnham could make of

him: and yet this wretched man was so far from wishing well to the parliament, that when they had prevailed, and were possessed of the whole kingdom, as well as of Nottinghamshire, he would not give them one penny; nor compound for his delinquency, as they made the having lived in the king's quarters to be; but suffered his whole estate to be sequestered, and lived in a very miserable fashion, only by what he could ravish from his tenants; who, though they paid their rents to the parliament, were forced by his rage and threats to part with so much as kept him, till he died, in that condition he chose to live in: his conscience being powerful enough to deny himself, though it could not dispose him to grant to the king. And thus the two messengers returned to the king, so near the same time, that he who came first had not given his account to the king before the other entered into his presence.

- 61 And the same day, one Sacheverel, who was a gentleman, and known to be very rich, being pressed to lend the king five hundred pounds, sent him a present of one hundred pieces in gold; "which," he said, "he had procured with great difficulty;" and protested, with many execrable imprecations, "that he had never in his life seen five hundred pounds of his own together;" when, within one month after the king's departure, the parliament troops, which borrowed in another style, took five thousand pounds from him, which was lodged with him in the chamber in which he lay. Which is therefore mentioned in this place, that upon this occasion it may be seen, that the unthrifty retention of their money, which possessed the spirits of those who did really wish the king all the success he wished for himself, was the unhappy promotion of all his misfortunes: and if they had in the beginning but lent the king the fifth part of what, after infinite losses, they found necessary to sacri-

fice to his enemies in the conclusion, to preserve themselves from total ruin, his majesty had been able, with God's blessing, to have preserved them, and to have destroyed all his enemies.

62 The news of the important victory before Worcester found the king at Chester, whither his majesty thought necessary to make a journey himself, as soon as he came to Shrewsbury, both to assure that city to his service, which was the key to Ireland, and to countenance the lord Strange (who, by the death of his father, became within few days earl of Derby) against some opposition he met with on the behalf of the parliament. Here Crane, sent by prince Rupert, gave [his majesty] an account of that action; and presented him with the ensigns which had been taken; and informed him of the earl of Essex's being in Worcester; which made the king to return sooner to Shrewsbury than he intended, and before the earl of Derby was possessed of that power which a little longer stay would have given him.

63 Prince Rupert the same night, after his victory, finding the gross of the rebels' army to be within five or six miles, against which that city was in no degree tenable, though all the king's foot had been there, retired from Worcester on the Welsh side of the river, without any disturbance, and with all his prisoners, (colonel Sandys only excepted, whom he charitably left to die of his wounds there,) into his quarters near Shrewsbury; the earl of Essex being so much startled with his late defeat, that he advanced not in two days after; and then being surely informed that he should find no resistance, he entered with his army into Worcester; using great severity to those citizens who had been eminently inclined to the king's service, and sending the principal of them prisoners to London.

64 Upon the king's coming to Shrewsbury, there was a very great conflux of the gentry of that and the [neighbouring counties,] which were generally well affected,

and made great professions of duty to his majesty: some of them undertook to make levies of horse and foot, and performed it at their own charge. The town was very commodious in all respects, strong in its situation; and in respect of its neighbourhood to North Wales, and the use of the Severn, yielded excellent provisions of all kinds; so that both court and army were very well accommodated, only the incurable disease of want of money could not be assuaged in either. Yet whilst they sat still, it was not very sensible, much less importunate. The soldiers behaved themselves orderly, and the people were not inclined or provoked to complain of their new guests; and the remainder of the plate, which was brought from the universities, together with the small presents in money, which were made to the king by many particular persons, supplied the present necessary expenses very conveniently. But it was easily discerned, that, when the army should move, which the king resolved it should do with all possible expedition, the necessity of money would be very great, and the train of artillery, which is commonly a sponge that can never be filled or satisfied, was destitute of all things which were necessary for motion. Nor was there any hope that it could march, till a good sum of money were assigned to it; some carriage-horses and waggon, which were prepared for the service of Ireland, and lay ready at Chester to be transported with the earl of Leicester, lieutenant of that kingdom, were brought to Shrewsbury, by his majesty's order, for his own train: and the earl's passionate labouring to prevent or remedy that application, with some other reasons, hindered the earl himself from pursuing that journey; and, in the end, deprived him of that province. But this seasonable addition to the train increased the necessity of money, there being more use of it thereby.

⁶⁵ Two expedients were found to make such a competent

provision for all wants, that they were at last broken through. Some person of that inclination had insinuated to the king, that, "if the catholics, which that and the adjacent counties were well inhabited by, were secretly treated with, a considerable sum of money might be raised amongst them; but it must be carried with great privacy, that no notice might be taken of it, the parliament having declared so great animosity against them;" nor did it in that conjuncture concern the king less that it should be very secret, to avoid the scandal of a close conjunction with the papists, which was every day imputed to him. Upon many consultations how and in what method to carry on this design, the king was informed, "that if he would depute Mr. Hyde to that service, the [Roman] catholics would trust him, and assign one or two of their body to confer with him, and by this means the work might be carried on." Hereupon the king sent for Mr. Hyde, and told him this whole matter, as it is here set down, and required him to consult with such a person, whom he would send to him the next morning. He was surprised with the information, that that classis of men had made choice of him for their trust, for which he could imagine no reason, but that he had been often of counsel with some persons of quality of that profession, who yet knew very well that he was in no degree inclined to their persuasion; he submitted to the king's pleasure, and the next morning a person of quality, and very much trusted by all that party, came to him to confer upon that subject; and shewed a list of the names of all the gentlemen of quality and fortune of that religion, and who were all convict recusants, [and] who lived within those counties of Shropshire and Stafford; who appeared to be a good number of very valuable men, on whose behalf he had only authority to conclude, though he believed that the method they agreed on there would be submitted to and

confirmed by that people in all other places. He said, "they would by no means hearken to any motion for the loan of money, for which they had paid so dear upon their serving the king in that manner in his first expedition against the Scots." It was in the end agreed upon, that the king should write to every one of them to pay him an advance of two or three years of such rent as they were every year obliged to pay to him upon the composition they had made with him for their estates; which would amount to a considerable sum of money; which letters were accordingly writ, and within ten or twelve days between four and five thousand pounds were returned to his majesty; which was a seasonable supply for his affairs.

- 66 At his return to Shrewsbury, the king found as much done towards his march as he expected. And then the other expedient (which was hinted before) for money offered itself. There was a gentleman of a very good extraction, and of the best estate of any gentleman of that country, one sir Richard Newport, who lived within four or five miles of Shrewsbury, [and] who was looked upon as a very prudent man, and had a very powerful influence upon that people, and was of undoubted affections and loyalty to the king, and to the government both in church and state: his eldest son, Francis Newport, was a young gentleman of great expectation and of excellent parts, a member of the house of commons, who had behaved himself very well there. This gentleman intimated to a friend of his, "that, if his father might be made a baron, he did believe he might be prevailed with to present his majesty with a good sum of money." It was proposed to the king, who had no mind to embrace the proposition, his majesty taking occasion often to speak against "making merchandise of honour: how much the crown suffered at present by the license of that kind, which had been used during the favour of the duke of

Buckingham; and that he had not taken a firmer resolution against many things, than against this particular expedient for the raising money." However, after he returned from Chester, and found by the increase of his levies, and the good disposition all things were in, that he might in a short time be able to march, and in so good a condition, that he should rather seek the rebels than decline meeting with them, if the indispensable want of money did not make his motion impossible; the merit and ability of the person, and the fair expectation from his posterity, he having two sons, both very hopeful, prevailed with his majesty to resume the same overture; and in few days it was perfected, and sir Ri. Newport was made baron Newport of Ercall, who presented the sum of six thousand pounds to his majesty; whereupon all preparations for the army were prosecuted with effect.

- 67 As soon as the king came to Shrewsbury, he had despatched his letters and agents into Wales, Cheshire, and Lancashire, to quicken the levies of men which were making there, and finding that the parliament had been very solicitous and active in those counties of Cheshire and Lancashire, and that many of the gentry of those populous shires were deeply engaged in their service, and the loyal party so much depressed, that the house of commons had sent up an impeachment of high treason against the lord Strange, who being son and heir apparent of the earl of Derby, and possessed of all his father's fortune in present, was then looked upon as of absolute power over that people, and accused him, that he had, with an intent and purpose to subvert the fundamental laws and government of the kingdom of England, and the rights and liberties, and the very being of parliaments, and to set sedition between the king and his people at Manchester of Lancaster, and at several other places, actually, maliciously, rebelliously, and traitorously summoned and called together great numbers of his ma-

jesty's subjects; and incited, persuaded, and encouraged them to take up arms, and levy war against the king, parliament, and kingdom. That he had, in a hostile manner, invaded the kingdom, and killed, hurt, and wounded divers of his majesty's subjects; had set sedition betwixt the king and his people, and then was in open and actual rebellion against the king, parliament, and kingdom. And upon this impeachment a formal order passed both houses, (which was industriously published, and read in many churches of those counties,) declaring his treason, and requiring all persons to apprehend him; whereby not only the common people, who had obeyed his warrants, but his lordship himself, (who had only executed the commission of array, and the seditious party at the same time executing their ordinance of militia, some blows had passed, whereof one or two had died,) was more than ordinarily dismayed. His majesty himself, leaving his household and army at Shrewsbury, went in person with his troop of guards only to Chester, presuming that his presence would have the same influence there it had had in all other places, to compose the fears and apprehensions of all honest men, and to drive away the rest; which fell out accordingly: for being received and entertained with all demonstrations of duty by the city of Chester, those who had been most notably instrumental to the parliament withdrew themselves, and the nobility and gentry, and indeed the common people, flocked to him; the former in very good equipage, and the latter with great expressions of devotion: yet in Cheshire Nantwich, and Manchester in Lancashire, made some shows, by fortifying, and seditious discourses, of resistance and disaffection, and into those two places the seditious persons had retired themselves. To the first, the lord Grandison was sent with a regiment of horse and some few dragoons, with the which, and his dexterous taking advantage of the people's first apprehensions, before they could

take advice what to do, he so awed that town, that after one unskilful volley they threw down their arms, and he entered the town, took the submission and oaths of the inhabitants for their future obedience; and having caused the small works to be slighted, and all the arms and ammunition to be sent to Shrewsbury, he returned to his majesty. For Manchester, the lord Strange, who had by his majesty's favour and encouragement recovered his spirits, undertook, without troubling his majesty farther northward, in a very short time to reduce that place, (which was not so fortunately performed, because not so resolutely pursued,) and to send a good body of foot to the king to Shrewsbury. So that his majesty, within a week, leaving all parts behind him full of good inclinations or professions, returned through the north parts of Wales (where he found the people cordial to him, and arming themselves for him) to Shrewsbury. The king's custom was in all counties, through which he passed, to cause the high sheriff to draw all the gentlemen and the most substantial inhabitants of those parts together, to whom (besides his caressing the principal gentlemen severally, familiarly, and very obligingly) he always spake something publicly, (which was afterwards printed,) telling them,

- 68 "That it was a benefit to him from the insolences and misfortunes which had driven him about, that they had brought him to so good a part of his kingdom, and to so faithful a part of his people. He hoped neither they nor he should repent their coming together. He would do his part that they might not; and of them he was confident before he came." He told them, "the residence of an army was not usually pleasant to any place; and his might carry more fear with it, since it might be thought, (being robbed, and spoiled of all his own, and such terror used to fright and keep all men from supplying him,) he must only live upon the aid and relief of his people." But he bid them "not to be afraid;" and said, "he wished to

God his poor subjects suffered no more by the insolence and violence of that army raised against him, though they had made themselves wanton with plenty, than they should do by his; and yet he feared he should not be able to prevent all disorders; he would do his best; and promised them, no man should be a loser by him, if he could help it." He said, "he had sent for a mint, and would melt down all his own plate, and expose all his land to sale or mortgage, that, if it were possible, he might bring the least pressure upon them." However, he invited them "to do that for him and themselves, for the maintenance of their religion and the law of the land, (by which they enjoyed all that they had,) which other men did against them;" he desired them, "not to suffer so good a cause to be lost for want of supplying him with that which would be taken from them by those who pursued his majesty with that violence. And whilst those ill men sacrificed their money, plate, and utmost industry, to destroy the commonwealth, they would be no less liberal to preserve it. He bade them assure themselves, if it pleased God to bless him with success, he would remember the assistance every particular man gave him to his advantage. However it would hereafter (how furiously soever the minds of men were now possessed) be honour and comfort to them, that, with some charge and trouble to themselves, they had done their part to support their king and preserve the kingdom."

- 69 His majesty always took notice of any particular reports, which, either with reference to the public or their private [concerns], might make impression upon that people, and gave clear answers to them. So that with this gracious and princely demeanour, it is hardly credible how much he won upon the people; so that not only his army daily increased by volunteers, (for there was not a man pressed,) but such proportions of plate and money were voluntarily brought in, that the

army was fully and constantly paid: the king having erected a mint at Shrewsbury, more for reputation than use, (for, for want of workmen and instruments, they could not coin a thousand pounds a week,) and causing all his own plate, for the service of his household, to be delivered there, made other men think theirs was the less worth the preserving.

- 70 Shortly after the earl of Essex came to Worcester, he sent a gentleman (one Fleetwood, the same who had afterwards so great power in the army, though then a trooper in his guards) to Shrewsbury, without a trumpet, or any other ceremony than a letter to the earl of Dorset; in which he said, "he was appointed by the parliament to cause a petition, then in his hands, to be presented to his majesty; and therefore desired his lordship to know his majesty's pleasure, when he would be pleased to receive it from such persons as he should send over with it." The earl of Dorset (by his majesty's command, after it had been debated in council what answer to return) sent him word in writing, "that the king had always been, and would be still, ready to receive any petition from his two houses of parliament; and if his lordship had any such to be presented, if he sent it by any persons who stood not personally accused by him of high treason, and excepted specially in all offers of pardon made by him, the person who brought it should be welcome; and the king would return such an answer to it as should be agreeable to honour and justice." Whether this limitation as to messengers displeased them, (as it was afterwards said, that the messengers appointed to have delivered it were the lord Mandeville and Mr. Hambden, who, they thought, would have skill to make infusions into many persons then about his majesty; and their access being barred by that limitation and exception, they would not send any other,) or what other reason soever there was,

the king heard no more of this petition, or any address of that nature, till he found, by some new printed votes and declarations, “ that he was guilty of another breach of the privilege of parliament, for having refused to receive their petition, except it were presented in such manner as he prescribed : whereas they alone were judges in what manner and by what persons their own petitions should be delivered, and he ought so to receive them.” And so that petition, which is before set down in the very terms it passed both houses, was never delivered to his majesty.

71 There cannot be too often mention of the wonderful providence of God, that from that low despised condition the king was in at Nottingham, after the setting up his standard, he should be able to get men, money, or arms, and yet within twenty days after his coming to Shrewsbury, he resolved to march, in despite of the enemy, even towards London ; his foot, by this time, consisting of about six thousand ; and his horse of two thousand ; his train in very good order, commanded by sir John Heydon. And though this strength was much inferior to the enemy, yet as it was greater than any man thought possible to be raised, so all thought it sufficient to encounter the rebels. Besides that it was confidently believed, (and not without some grounds of correspondence with some officers in the other army,) that, as soon as the armies came within any reasonable distance of each other, very many soldiers would leave their colours, and come to the king ; which expectation was confirmed by some soldiers, who every day dropped in from those forces ; and, to make themselves welcome, told many stories of their fellows’ resolutions, whom they had left behind.

72 And this must be confessed, that either by the care and diligence of the officers, or by the good inclinations and temper of the soldiers themselves, the army was

in so good order and discipline, that, during the king's stay at Shrewsbury, there was not a disorder of name, the country being very kind to the soldiers, and the soldiers just, and regardful to the country. And by the free loans and contributions of the gentleman and substantial inhabitants, but especially by the assistance of the nobility, who attended, the army was so well paid, that there was not the least mutiny or discontent for want of pay; nor was there any cause; for they seldom failed every week, never went above a fortnight unpaid.

- 73 The greatest difficulty was to provide arms; of which indeed there was a wonderful scarcity, the king being exceedingly disappointed in his expectation of arms from Holland; a vessel or two having been taken by his own ships, under the command of the earl of Warwick; so that, except eight hundred muskets, five hundred pair of pistols, and two hundred swords, which came with the powder, which was landed in Yorkshire, as is before mentioned, the king had none in his magazine; so that he was compelled to begin at Nottingham, and so in all places as he passed, to borrow the arms from the trained bands; which was done with so much wariness and caution, (albeit it was known that those arms would, being left in those hands, be employed against him, or at least be of no use to him,) that it was done rather with their consent than by any constraint, and always with the full approbation of their commanders. And therefore in Yorkshire and Shropshire, where the gentlemen very unskilfully, though with good meaning, desired that the arms might still be left in the country men's hands, there was none of that kind of borrowing. But in all places the noblemen and gentlemen of quality sent the king such supplies of arms out of their own armories, (which were very mean,) so that by all these means together, the

foot, all but three or four hundred, who marched without any weapon but a cudgel, were armed with muskets, and bags for their powder, and pikes; but, in the whole body, there was not one pikeman had a corslet, and very few musketeers who had swords. Amongst the horse, the officers had their full desire, if they were able to procure old backs and breasts, and pots with pistols, or carabines, for their two or three first ranks, and swords for the rest; themselves (and some soldiers by their examples) having gotten, besides their pistols and swords, a short poleaxe.

- 74 The foot were divided into three brigades; the first commanded by sir Nicholas Byron, the second by colonel Harry Wentworth, and the third by colonel Richard Fielding, sir Jacob Ashley being major general, and commanding the foot immediately under the general. For, though general Ruthen, who came to the king some few days before he left Shrewsbury, [was] made field marshal, yet he kept wholly with the horse to assist prince Rupert: and sir Arthur Aston, of whose soldiery there was then a very great esteem, was made colonel general of the dragoons; which at that time, though consisting of two or three regiments, were not above eight hundred, or a thousand at the most. Most of the persons of honour and quality, except those whose attendance was near the king's own person, put themselves into the king's troop of guards, commanded by the lord Bernard Stewart; and made indeed so gallant a body, that, upon a very modest computation, the estate and revenue of that single troop might justly be valued at least equal to all theirs who then voted in both houses under the name of the lords and commons of parliament, and so made and maintained that war. Their servants, under the command of sir William Killigrew, made another full troop, and always marched with their lords and masters.

75 In this equipage the king marched from Shrewsbury on the twelfth of October to Bridgenorth, never less baggage attending a royal army, there being not one tent, and very few waggons belonging to the whole train; having in his whole army not one officer of the field who was a papist, except sir Arthur Aston, if he were one; and very few common soldiers of that religion. However the parliament, in all their declarations, and their clergy much more in their sermons, assured the people, "that the king's army consisted only of papists," whilst themselves entertained all of that religion that they could get; and very many, both officers and soldiers, of that religion engaged with them; whether it was that they really believed that that army did desire liberty of conscience for all religions, as some of the chief of them pretended, or that they desired to divide themselves for communication of intelligence, and interest. And here it is not fit to forget one particular, that, when the committee of parliament appointed to advance the service upon the propositions for plate and horses, in the county of Suffolk, sent word to the house of commons, "that some papists offered to lend money upon those propositions, and desired advice whether they should accept of it," it was answered, "that if they offered any considerable sum, whereby it might be conceived to proceed from a real affection to the parliament, and not out of policy to bring themselves within their protection, and so to excuse their delinquency, it should be accepted of."

76 When the king was ready for his march, there was some difference of opinion which way he should take; many were of opinion that he should march towards Worcester, where the earl of Essex still remained; those countries were thought well-affected to the king; where his army would be supplied with provisions, and increased in numbers; and that no time should be lost

The earl of Essex and others

coming to a battle; because the longer it was deferred, the stronger the earl would grow, by the supplies which were every day sent to him from London; and he had more of arms with him to supply all defects of that kind. However it was thought more counsellable to march directly towards London, it being morally sure that the earl of Essex would put himself in their way. The king had much confidence in his horse, (his nephew prince Rupert being in the head of them,) which were fleshed by their success at Worcester; and if he had made his march that way, he would have been entangled in the enclosures, where his horse would have been less useful; whereas there were many great campaines near the other way, much fitter for an engagement. And so, about the middle of October, the king marched from Shrewsbury, and quartered that night at Bridgenorth, ten miles from the other place, where there was a rendezvous of the whole army, which appeared very cheerful; and so to Wolverhampton, Bromicham, and Killingworth, a house of the king's, and a very noble seat, where the king rested one day; where the lord chief justice Heath, who was made chief justice for that purpose, (Bramston, a man of great learning and integrity, being, without any purpose of disfavour, removed from that office, because he stood bound by recognizance to attend the parliament, upon an accusation depending there against him,) began to sit upon a commission of oyer and terminer, to attaint the earl of Essex, and many other persons who were in rebellion, of high treason.

77 Some days had passed without any notice of that army; some reporting that it remained still at Worcester; others, that they were marched the direct way from thence towards London. But intelligence came from London, "that very many officers of name, and command in the parliament army, [had] undergone that service with a full resolution to come to the king as soon as

they were within any distance ; and it was wished, that the king would send a proclamation into the army itself, to offer pardon to all who would return to their obedience." And a proclamation was prepared accordingly, and all circumstances resolved upon, that a herald should be sent to proclaim it in the head of the earl's army, when it should be drawn up in battle. But that, and many other particulars, prepared and resolved upon, were forgotten, or omitted at the time appointed, which would not admit any of those formalities.

- 78 When the whole army marched together, there was quickly discovered an unhappy jealousy and division between the principal officers, which grew quickly into a perfect faction between the foot and the horse. The earl of Lindsey was general of the whole army by his commission, and thought very equal to it. But when prince Rupert came to the king, which was after the standard was set up, and received a commission to be general of the horse, which all men knew was designed for him, there was a clause inserted into it, which exempted him from receiving orders from any body but from the king himself; which, upon the matter, separated all the horse from any dependence upon the general, and had other ill consequences in it: for when the king at midnight, being in his bed, and receiving intelligence of the enemy's motion, commanded the lord Falkland, his principal secretary of state, to direct prince Rupert what he should do, he took it very ill, and expostulated with the lord Falkland for giving him orders. But he could not have directed his passion against any man who would feel or regard it less. And he told him, "that it was his office to signify what the king bad him ; which he should always do; and that he, in neglecting it, neglected the king;" who did neither the prince nor his own service any good, by complying in the beginning with his rough nature, which rendered him very ungracious to all men.

But the king was so indulgent to him, that he took his advice in all things relating to the army, and so upon consideration of their march, and the figure of the battle they resolved to fight in with the enemy, he concurred entirely with prince Rupert's advice, and rejected the opinion of the general, who preferred the order he had learned under prince Maurice and prince Harry, with whom he had served at the same time when the earl of Essex and he had both regiments. The uneasiness of the prince's nature, and the little education he had in courts, made him unapt to make acquaintance with any of the lords, who were likewise thereby discouraged from applying themselves to him; whilst some officers of the horse were well pleased to observe that strangeness, and fomented it; believing their credit would be the greater with the prince, and desired that no other person should have any credit with the king. So the war was scarce begun, when there appeared such faction and designs in the army, which wise men looked upon as a very evil presage; and the inconveniences which flowed from thence gave the king great trouble in a short time after.

79 Within two days after the king marched from Shrewsbury, the earl of Essex moved from Worcester to attend him, with an army superior in number far to the king's; the horse and foot being completely armed, and the men very well exercised, and the whole equipage (being supplied out of the king's magazines) suitable to an army set forth at the charge of a kingdom. The earl of Bedford had the name of general of the horse, though that command principally depended upon sir William Balfour. Of the nobility he had with him the lords Kimbolton, Saint-John's, Wharton, Roberts, Rochford, and Fielding, (whose fathers, the earls of Dover and Denbigh, charged as volunteers in the king's guards of horse,) and many gentlemen of quality; but his train

was so very great, that he could move but in slow marches. So that the two armies, though they were but twenty miles asunder when they first set forth, and both marched the same way, they gave not the least disquiet in ten days' march to each other ; and in truth, as it appeared afterwards, neither army knew where the other was.

80 The king by quick marches, having seldom rested a day in any place, came on Saturday the twenty-second of October to Edgcot, a village in Northamptonshire within four miles of Banbury, in which the rebels had a very strong garrison. As soon as he came thither, he called a council of war, and having no intelligence that the earl of Essex was within any distance, it was resolved "the king and the army should rest in those quarters the next day, only that sir Nicholas Byron should march with his brigade, and attempt the taking in of Banbury." And with this resolution the council brake up, and all men went to their quarters, which were at a great distance, without any apprehension of an enemy. But that night, about twelve of the clock, prince Rupert sent the king word, "that the body of the rebels' army was within seven or eight miles, and that the head quarter was at a village called Keinton on the edge of Warwickshire ; and that it would be in his majesty's power, if he thought fit, to fight a battle the next day ;" which his majesty liked well, and therefore immediately despatched orders to cross the design for Banbury, "and that the whole army should draw to a rendezvous on the top of Edge-hill ;" which was a very high hill about two miles from Keinton, where the head-quarters of the earl was, and which had a clear prospect of all that valley.

81 In the morning, being Sunday the twenty-third of October, when the rebels were beginning their march, (for they suspected not the king's forces to be near,) they perceived a fair body of horse on the top of that

hill, and easily concluded their march was not then to be far. It is certain they were exceedingly surprised, having never had any other confidence of their men, than by the disparity they concluded would be still between their numbers and the king's, the which they found themselves now deceived in. For two of their strongest and best regiments of foot, and one regiment of horse, was a day's march behind with their ammunition. So that, though they were still superior in number, yet that difference was not so great as they promised themselves. However, it cannot be denied that the earl, with great dexterity, performed whatsoever could be expected from a wise general. He chose that ground which best liked him. There was between the hill and the town a fair campaign, save that near the town it was narrower, and on the right hand some hedges and inclosures: so that there he placed musketeers, and not above two regiments of horse, where the ground was narrowest: but on his left wing he placed a body of a thousand horse, commanded by one Ramsey a Scotchman: the reserve of horse, which was a good one, was commanded by the earl of Bedford, general of their horse, and sir William Balfour with him. The general himself was with the foot, which were ordered as much to advantage as might be. And in this posture they stood from eight of the clock in the morning.

82 On the other side, though prince Rupert was early in the morning with the greatest part of the horse on the top of the hill, which gave the first alarm of the necessity of fighting to the other party, yet the foot were quartered at so great a distance, that many regiments marched seven or eight miles to the rendezvous: so that it was past one of the clock before the king's forces marched down the hill: the general himself alighted at the head of his own regiment of foot, his son the lord Willoughby being next to him with the

king's regiment of guards, in which was the king's standard, carried by sir Edmund Verney, knight marshal. The king's right wing of horse was commanded by prince Rupert, the left wing by Mr. Wilmot, commissary general of the horse, who was assisted by sir Arthur Aston with most of the dragoons, because that left wing was opposed to the enemy's right, which had the shelter of some hedges lined with musketeers: and the reserve was committed to sir John Byron, and consisted indeed only of his own regiment. At the entrance into the field, the king's troop of guards, either provoked by some unseasonable scoffs amongst the soldiery, or out of their desire of glory, or both, besought the king, "that he would give them leave to be absent that day from his person, and to charge in the front amongst the horse;" the which his majesty consented to. They desired prince Rupert "to give them that honour which belonged to them;" who accordingly assigned them the first place; which, though they performed their parts with admirable courage, may well be reckoned amongst the oversights of that day.

83 It was near three of the clock in the afternoon before the battle began; which, at that time of the year, was so late, that some were of opinion, "that the business should be deferred till the next day." But against that there were many objections; "the king's numbers could not increase, the enemy's might;" for they had not only their garrisons, Warwick, Coventry, and Banbury, within distance, but all that county so devoted to them, that they had all provisions brought to them without the least trouble; whereas, on the other side, the people were so disaffected to the king's party, that they had carried away or hid all their provisions, inso-much as there was neither meat for man or horse; and the very smiths hid themselves, that they might not be compelled to shoe the horses, of which in those

stony ways there was great need. This proceeded not from any radical malice, or disaffection to the king's cause, or his person; though it is true, that circuit in which this battle was fought, being between the dominions of the lord Say and the lord Brooke, was the most eminently corrupted of any county in England; but by the reports and infusions which the other very diligent party had wrought into the people's belief, "that the cavaliers were of a fierce, bloody, and licentious disposition, and that they committed all manner of cruelty upon the inhabitants of those places where they came, of which robbery was the least;" so that the poor people thought there was no other way to preserve their goods than by hiding them out of the way; which was confessed by them, when they found how much that information had wronged them, by making them so injurious to their friends. And therefore where the army rested a day they found much better entertainment at parting, than when they came; for it will not be denied, that there was no person of honour or quality who paid not punctually and exactly for what they had; and there was not the least violence or disorder amongst the common soldiers in their march which scaped exemplary punishment; so that at Bromicham, a town so generally wicked, that it had risen upon small parties of the king's, and killed or taken them prisoners, and sent them to Coventry, declaring a more peremptory malice to his majesty than any other place, two soldiers were executed, for having taken some small trifle of no value out of a house, whose owner was at that time in the rebels' army. So strict was the discipline in this army; when the other, without control, practised all the dissoluteness imaginable. But the march was so fast, that the leaving a good reputation behind them was no harbinger to provide for their better reception in their next quar-

ters. So that their wants were so great at the time when they came to Edge-hill, that there were very many companies of the common soldiers who had scarce eaten bread in eight and forty hours before. The only way to cure this was a victory; and therefore the king gave the word, though it was late, the enemy keeping their ground to receive him without advancing at all.

- 84 In this hurry, there was an omission of somewhat, which the king intended to have executed before the beginning of the battle. He had caused many proclamations to be printed of pardon to all those soldiers who would lay down their arms, which he resolved, as is said before, to have sent by a herald to the earl of Essex, and to have found ways to have scattered and dispersed them in that army, as soon as he understood they were within any distance of him. But all men were now so much otherwise busied, that it was not soon enough remembered; and when it was, the proclamations were not at hand; which, by that which follows, might probably have produced a good effect. For as the right wing of the king's horse advanced to charge the left wing, which was the gross of the enemy's horse, sir Faithful Fortescue, (whose fortune and interest being in Ireland, he had come out of that kingdom to hasten supplies thither, and had a troop of horse raised for him for that service; but as many other of those forces were, so his troop was likewise disposed into that army, and he was now major to sir William Waller; he) with his whole troop advanced from the gross of their horse, and discharging all their pistols on the ground, within little more than carabine shot of his own body, presented himself and his troop to prince Rupert; and immediately, with his highness, charged the enemy. Whether this sudden accident, as it might very well, and [the] not knowing how many

more were of the same mind, each man looking upon his companion with the same apprehension as upon the enemy, or whether the terror of prince Rupert, and the king's horse, or all together, with their own evil consciences, wrought upon them, I know not, but that whole wing, having unskilfully discharged their carabines and pistols into the air, wheeled about, our horse charging them in flank and rear, and having thus absolutely routed them, pursued them flying; and had the execution of them above two miles.

85 The left wing, commanded by Mr. Wilmot, had as good success, though they were to charge in worse ground, amongst hedges, and through gaps and ditches, which were lined with musketeers. But sir Arthur Aston, with great courage and dexterity, beat off those musketeers with his dragoons; and then the right wing of their horse was as easily routed and dispersed as their left, and those followed the chase as furiously as the other. The reserve, seeing none of the enemy's horse left, thought there was nothing more to be done but to pursue those that fled, and could not be contained by their commanders, but with spurs and loose reins followed the chase which their left wing had led them. And by this means, whilst most men thought the victory unquestionable, the king was in danger of the same fate which his predecessor Henry the Third felt at the battle of Lewes against his barons; when his son the prince, having routed their horse, followed the chase so far, that before his return to the field his father was taken prisoner; and so his victory served only to make the misfortune of that day the more intolerable. For all the king's horse having thus left the field, many of them only following the execution, others intending the spoil in the town of Keinton, where all the baggage was, and the earl of Essex's own coach, which was taken, and brought away; their reserve, com-

manded by sir William Balfour, moved up and down the field in good order, and marching towards the king's foot pretended to be friends, till observing no horse to be in readiness to charge them, [they] brake in upon the foot, and did great execution. Then was the general the earl of Lindsey, in the head of his regiment, being on foot, shot in the thigh; with which he fell, and was presently encompassed by the enemy; and his son, the lord Willoughby, piously endeavouring the rescue of his father, taken prisoner with him. Then was the standard taken, (sir Edmund Verney, who bore it, being killed,) but rescued again by captain John Smith, an officer of the lord Grandison's regiment of horse, and by him brought off. And if those horse had bestirred themselves, they might with little difficulty [have] destroyed or taken prisoner the king himself, and his two sons, the prince [of Wales] and the duke of York, being with fewer than one hundred horse and those without officer or command, within half musket shot of that body, before he suspected them to be enemies.

- 86 When prince Rupert returned from the chase, he found this great alteration in the field, and his majesty himself with few noblemen and a small retinue about him, and the hope of so glorious a day quite vanished. For though most of the officers of horse were returned, and that part of the field covered again with the loose troops, yet they could not be persuaded or drawn to charge either the enemy's reserve of horse, which alone kept the field, or the body of their foot, which only kept their ground; the officers pretending, "that their soldiers were so dispersed, that there were not ten of any troop together;" and the soldiers, that their horses were so tired, that they could not charge." But the truth is, where many soldiers of one troop or regiment were rallied together, there the officers were wanting;

and where the officers were ready, there the soldiers were not together; and neither officers or soldiers desired to move without those who properly belonged to them. Things had now so ill an aspect, that many were of opinion that the king should leave the field, though it was not easy to advise whither he should have gone; which if he had done, he had left an absolute victory to those who even at this time thought themselves overcome. But the king was positive against that advice, well knowing, that as that army was raised by his person and presence only, so it could by no other means be kept together; and he thought it unprincipally to forsake them who had forsaken all they had to serve him: besides, he observed the other side looked not as if they thought themselves conquerors; for that reserve, which did so much mischief before, since the return of his horse, betook themselves to a fixed station between their foot, which at best could but be thought to stand their ground, which two brigades of the king's did with equal courage, and gave equal volleys; and therefore he tried all possible ways to get the horse to charge again; easily discerning by some little attempts which were made, what a notable impression a brisk one would have made upon the enemy. And when he saw it was not to be done, he was content with their only standing still. Without doubt, if either party had known the constitution of the other, they had not parted so fairly; and, very probably, which soever had made a bold offer, had compassed his end upon his enemy. This made many believe, though the horse vaunted themselves aloud to have done their part, that the good fortune of the first part of the day, which well managed would have secured the rest, was to be imputed rather to their enemy's want of courage than to their own virtue, (which, after so great a victory, could not so soon have forsaken

them,) and to the sudden and unexpected revolt of sir Faithful Fortescue with a whole troop, no doubt much to the consternation of those he left ; which had not so good fortune as they deserved ; for by the negligence of not throwing away their orange-tawny scarfs, which they all wore as the earl of Essex's colours, and being immediately engaged in the charge, many of them, not fewer than seventeen or eighteen, were suddenly killed by those to whom they joined themselves.

- 87 In this doubt of all sides, the night, the common friend to wearied and dismayed armies, parted them ; and then the king caused his cannon, which were nearest the enemy, to be drawn off ; and with his whole forces himself spent the night in the field, by such a fire as could be made of the little wood, and bushes which grew thereabouts, unresolved what to do the next morning, many reporting, "that the enemy was gone : " but when the day appeared, the contrary was discovered ; for then they were seen standing in the same posture and place in which they fought, from whence the earl of Essex, wisely, never suffered them to stir all that night ; presuming reasonably, that if they were drawn off never so little from that place, their numbers would lessen, and that many would run away ; and therefore he caused all manner of provisions, [with] which the country supplied him plentifully, to be brought thither to them for their repast, and reposed himself with them in the place ; besides, that night he received a great addition of strength, not only by rallying those horse and foot which had run out of the field in the battle, but by the arrival of colonel Hambden and colonel Grantham with two thousand fresh foot, (which were reckoned amongst the best of the army,) and five hundred horse, which marched a day behind the army for the guard of their ammunition, and a great part of their train, not supposing there would have been

any action that would have required their presence. All the advantage this seasonable recruit brought them was to give their old men so much courage as to keep the field, which it was otherwise believed they would hardly have been persuaded to have done. After a very cold night spent in the field, without any refreshment of victual or provision for the soldiers, (for the country was so disaffected, that it not only not sent in provisions, but many soldiers who straggled into the villages for relief were knocked in the head by the common people,) the king found his troops very thin; for though by conference with the officers he might reasonably conclude that there were not many slain in the battle, yet a third part of his foot were not upon the place, and of the horse many missing; and they that were in the field were so tired with duty, and weakened with want of meat, and shrunk up with the cruel cold of the night, (for it was a terrible frost, and there was not shelter of either tree or hedge,) that though they had reason to believe, by the standing still of the enemy whilst a small party of the king's horse in the morning took away four pieces of their cannon very near them, that any offer towards a charge, or but marching towards them, would have made a very notable impression in them, yet there was so visible an averseness from it in most officers as well as soldiers, that the king thought not fit to make the attempt; but contented himself to keep his men in order, the body of horse facing the enemy upon the field where they had fought.

88 Towards noon the king resolved to try that expedient which was prepared for the day before; and sent sir William le Neve, Clarencieux king at arms, with his proclamation of pardon, to such as would lay down arms, to the enemy; believing, though he expected then little benefit by the proclamation, that he should by that means receive some advertisement of the

condition of the army, and what prisoners they had taken, (for many persons of command and quality were wanting,) giving him order likewise to desire to speak with the earl of Lindsey, who was known to be in their hands. Before sir William came to the army, he was received by the out-guards, and conducted with strictness (that he might say or publish nothing amongst the soldiers) to the earl of Essex; who, when he offered to read the proclamation aloud, and to deliver the effect of it, that he might be heard by those who were present, rebuked him with some roughness, and charged him, "as he loved his life, not to presume to speak a word to the soldiers;" and, after some few questions, sent him presently back, well guarded through the army, without any answer at all. At his return he had so great and feeling a sense of the danger he had passed, that he made little observation of the posture or numbers of the enemy. Only he seemed to have seen or apprehended so much trouble and disorder in the faces of the earl of Essex and the principal officers about him, and so much dejection in the common soldiers, that they looked like men who had no farther ambition than to keep what they had left. He brought word of the death of the earl of Lindsey.

89 The number of the slain, by the testimony of the minister and others of the next parish, who took care for the burying of the dead, and which was the only computation that could be made, amounted to above five thousand; whereof two parts were conceived to be of those of the parliament party, and not above a third of the king's. Indeed the loss of both sides was so great, and so little of triumph appeared in either, that the victory could scarce be imputed to the one or the other. Yet the king's keeping the field, and having the spoil of it, by which many persons of quality who had lain wounded in the field were preserved, his pursuing afterwards the

same design he had when he was diverted to the battle, and succeeding in it, (as shall be touched anon,) were greater ensigns of victory on that side, than the taking the general prisoner, and the taking the standard, which was likewise recovered, were on the other. Of the king's, the principal persons who were lost were, the earl of Lindsey, general of the army; the lord George Stewart; lord Aubigny, son to the duke of Lenox and brother to the then duke of Richmond and Lenox; sir Edmund Verney, knight marshal of the king's horse and standard bearer; and some others of less name, though of great virtue, and good quality.

- 90 The earl of Lindsey was a man of a very noble extraction, and inherited a great fortune from his ancestors; which though he did not manage with so great care as if he desired much to improve, yet he left it in a very fair condition to his family, which more intended the increase of it. He was a man of great honour, and spent his youth and vigour of his age in military actions and commands abroad; and albeit he indulged to himself great liberties of life, yet he still preserved a very good reputation with all men, and a very great interest in his country, as appeared by the supplies he and his son brought to the king's army; the several companies of his own regiment of foot being commanded by the principal knights and gentlemen of Lincolnshire, who engaged themselves in the service principally out of their personal affection to him. He was of a very generous nature, and punctual in what he undertook, and in exacting what was due to him; which made him bear that restriction so heavily which was put upon him by the commission granted to prince Rupert, and by the king's preferring the prince's opinion in all matters relating to the war before his. Nor did he conceal his resentment: the day before the battle, he said to some friends, with whom he used freedom, "that he did not look upon himself as general; and

therefore he was resolved, when the day of battle should come, that he would be in the head of his regiment as a private colonel, where he would die." He was carried out of the field to the next village; and if he could then have procured surgeons, it was thought his wound would not have proved mortal. And it was imputed to the earl of Essex's too well remembering former grudges, that he neither sent any surgeon to him, nor performed any other offices of respect towards him; but it is most certain that the disorder the earl of Essex himself was in at that time, by the running away of the horse, and the confusion he saw the army in, and the plundering the carriages in the town where the surgeons were to attend, was the cause of all the omissions of that kind. And as soon as the other army was composed by the coming on of the night, the earl of Essex about midnight sent sir William Balfour, and some other officers, to see him, and to offer him all offices, and meant himself to have visited him. They found him upon a little straw in a poor house, where they had laid him in his blood, which had run from him in great abundance, no surgeon having been yet with him; only he had great vivacity in his looks; and told them, "he was sorry to see so many gentlemen, some whereof were his old friends, engaged in so foul a rebellion:" and principally directed his discourse to sir William Balfour, whom he put in mind of "the great obligations he had to the king; how much his majesty had disobliged the whole English nation by putting him into the command of the Tower; and that it was the most odious ingratitude in him to make him that return." He wished them to tell my lord of Essex, "that he ought to cast himself at the king's feet to beg his pardon; which if he did not speedily do, his memory would be odious to the nation;" and continued this kind of discourse with so much vehemence, that the officers by degrees withdrew themselves, and prevented the visit the earl of Essex intended him, who

only sent the best surgeons to him; who in the very opening of his wounds died before the morning only upon the loss of blood. He had very many friends and very few enemies, and died generally lamented.

91 The lord Aubigny was a gentleman of great hopes, of a gentle and winning disposition, and of very clear courage: he was killed in the first charge with the horse; where there being so little resistance gave occasion to suspect that it was done by his own lieutenant, who, being a Dutchman, had not been so punctual in his duty but that he received some reprehension from his captain, which he murmured at. His body was brought off, and buried at Christ-church in Oxford. His two younger brothers, the lord John and the lord Bernard Stewart, were in the same battle, and were both killed afterwards in the war, and his only son is now duke of Richmond.

92 Sir Edmund Verney hath been mentioned before upon his discourse at Nottingham, which was very ominous: [he] was a person of great honour and courage, and lost his life in that charge when Balfour, with that reserve of horse which had been so long undiscerned, broke into those regiments; but his body was not found.

93 Of the parliament party that perished, the lord Saint-John of Bletnezo and Charles Essex were of the best quality. The last had been bred up a page under the earl of Essex, who afterwards, at his charge, preferred him to a command in Holland; where he lived with very good reputation, and preserved the credit of his decayed family; and as soon as the earl unfortunately accepted this command, he thought his gratitude obliged him to run the fortune of his patron, and out of pure kindness to the person of the earl, as many other gentlemen did, engaged himself against the king without any malice or rebellion in his heart towards the crown. He had the command of a regiment of foot, and was esteemed the best and most expert officer of the army, and was killed

by a musket shot in the beginning of the battle. The lord Saint-John was eldest son to the earl of Bullingbroke, and got himself so well beloved by the reputation of courtesy and civility, which he expressed towards all men, that though his parts of understanding were very ordinary at best, and his course of life licentious and very much depraved, he got credit enough, by engaging the principal gentlemen of Bedfordshire and Hertfordshire to be bound for him, to contract a debt of fifty or three-score thousand pounds; for the payment whereof the fortune of the family was not engaged, nor in his power to engage. So that the clamour of his debts growing importunate, some years before the rebellion, he left the kingdom, and fled into France; leaving his vast debt to be paid by his sureties, to the utter ruin of many families, and the notable impairing of others. In the beginning of the parliament, the king was prevailed with to call him to the house of peers, his father being then alive, upon an assurance, "that by his presence and liberty, which could by no other way be secured, means would be found out to pay his debts, and free so many worthy persons from their engagements: besides that the times being like to be troublesome, the king might be sure of a faithful servant, who would always advance his service in that house." But the king had very ill fortune in conferring those graces, nor was his service more passionately and insolently opposed by any men in that house than by those, who upon those professions were redeemed by him from the condition of commoners. And this gentleman, from the first hour of his sitting in that house by the king's so extraordinary grace, was never known to concur in any one vote for the king's service that received any opposition; and, as soon as it was in his power, he received a commission with the first to command a troop of horse against him, in which he behaved himself so ill, that he received some wounds in running away; and being taken prisoner, died before the

next morning, without any other signs of repentance than the canting words, “that he did not intend to be against the king, but wished him all happiness :” so great an influence the first seeds of his birth and mutinous family had upon his nature, that how long soever they were concealed, and seemed even buried in a very different breeding and conversation, they sprung up and bore the same fruit upon the first occasion. And it was an observation of that time, that the men of most licentious lives, who appeared to be without any sense of religion, or reverence to virtue, and the most unrestrained by any obligations of conscience, betook themselves to that party, and pretended an impulsion of religion out of fear of popery ; and, on the other side, very many persons of quality, both of the clergy and laity, who had suffered under the imputation of puritanism, and did very much dislike the proceedings of the court, and opposed them upon all occasions, were yet so much scandalized at the very approaches to rebellion, that they renounced all their old friends, and applied themselves with great resolution, courage, and constancy to the king’s service, and continued in it to the end, with all the disadvantages it was liable to.

- 94 Prisoners taken by the enemy were, the lord Willoughby, hastily and piously endeavouring the rescue of his father ; sir Thomas Lunsford, and sir Edward Stradling, both colonels ; and sir William Vavasour, who commanded the king’s regiment of guards under the lord Willoughby ; and some other inferior commanders. There were hurt, sir Jacob Ashley and sir Nicholas Byron, and more dangerously, colonel Charles Gerrard, who, being shot in the thigh, was brought off the field without any opinion of life, but recovered to act a great part afterwards in the war ; sir George Strode, and some other gentlemen who served amongst the foot ; for of the horse there was not an officer of name who received a wound,

the lord Aubigney only excepted ; so little resistance did that part of the enemy make.

95 Of the rebels, there were a good number of their officers, especially of horse, taken prisoners, but (save that some of them were parliament men) of mean quality in the world, except only sir William Essex, the father of the colonel, whose wants, from having wasted a very great fortune, and his son's invitation, led him into that company ; where he was a private captain of his regiment.

96 When the armies had thus only looked one upon another the whole day, and it being discerned that the enemy had drawn off his carriages, the king directed all his army to retire into their old quarters, presuming (as it proved) that many of those who were wanting would be found there. And so himself with his two sons went to Edgecot, where he lay the night before the battle, resolving to rest the next day, both for the refreshing his wearied and even tired men, and to be informed of the motion and condition of the enemy, upon which some troops of the king's horse attended. The earl of Essex retired with his to Warwick castle, whither he had sent all the prisoners ; so that, on the Tuesday morning, the king was informed that the enemy was gone, and that some of his horse had attended the rear of the enemy almost to Warwick, and that they had left many of their carriages, and very many of their wounded soldiers, at the village next the field ; by which it appeared that their remove was in haste, and not without apprehension.

97 After the horse had marched almost to Warwick, and found the coast clear from the enemy, they returned to the field to view the dead bodies, many going to inquire after their friends who were missing, where they found many not yet dead of their wounds, but lying stripped amongst the dead ; amongst whom, with others, young Mr. Scroop brought off his father, sir Gervas Scroop ;

who, being an old gentleman of great fortune in Lincolnshire, had raised a foot company amongst his tenants, and brought them into the earl of Lindsey's regiment, out of devotion and respect to his lordship, as well as duty to the king; and had, about the time that the general was taken, fallen with sixteen wounds in his body and head; and had lain stripped among the dead, from that time, which was about three of the clock in the afternoon on Sunday, all that cold night, all Monday, and Monday night, and till Tuesday evening, for it was so late before his son found him; whom with great piety he carried to a warm lodging, and afterwards in the march to Oxford; where he wonderfully recovered. The next morning after, being Wednesday, there was another gentleman, one Bellingham, of an ancient extraction in Sussex, and the only son of his father, found amongst the dead, and brought off by his friends, with twenty wounds; who, after ten days, died at Oxford, by the negligence of his surgeons, who left a wound in his thigh, of itself not dangerous, undiscerned, and so by festering destroyed a body very hopefully recovered of those which were only thought mortal. The surgeons were of opinion that both these gentlemen owed their lives to the inhumanity of those who stripped them, and to the coldness of the nights, which stopped their blood better than all their skill and medicaments could have done; and that, if they had been brought off within any reasonable distance of time after their wounds, they had undoubtedly perished.

97 On Wednesday morning, the king drew his army to a rendezvous, where he found his numbers greater than he expected; for in the night after the battle very many of the common soldiers, out of cold and hunger, had found their old quarters. So that it was really believed upon this view, when this little rest had recovered a strange cheerfulness into all men, that there were not in that battle lost above three hundred men at the most. There

the king declared general Ruthen general of his army in the place of the earl of Lindsey; and then marched to Ayno, a little village two miles distant from Banbury, of which his majesty that day took a view, and meant to attempt it the next day following. There was at that time in Banbury castle a regiment of eight hundred foot and a troop of horse, which, with spirits proportionable, had been enough to have kept so strong a place from an army better prepared to have assaulted it than the king's then was, and at a season of the year more commodious for a siege. And therefore many were of opinion, that the king should have marched by it, without taking notice of it, and that the engaging before it might prove very prejudicial to him. That which prevailed with him to stay there, besides the courage of his soldiers, who had again recovered their appetite to action, was, that he could not well resolve whither to go; for till he was informed what the earl of Essex did, he knew not how to direct his march; and if the enemy advanced upon him, he could not fight in a place of more advantage. And therefore, having sent a trumpet to summon the castle, and having first taken the lord Say's house at Broughton, where there was some show of resistance, and in it a troop of horse, and some good arms, the cannon were planted against the castle, and the army drawn out before it; but, upon the first shot made, the castle sent to treat, and, upon leave to go away without their arms, they fairly and kindly delivered the place; and half the common soldiers at the least readily took conditions, and put themselves into the king's army; the rest of the arms came very seasonably to supply many soldiers of every regiment, who either never had any before, or had lost them at the battle.

98 This last success declared where the victory was before at Edge-hill; for, though the routing of their horse, [the] having killed more on the place, and taken more pri-

soners, the number of the colours won from the enemy, (which were near forty in number,) without the loss of above three or four, and lastly the taking four pieces of their cannon the next morning after the battle, were so many arguments that the victory inclined to the king: on the other side, the loss of the general himself, and so many men of name either killed or [taken] prisoners, who were generally known over the kingdom, (whereas, besides the lord Saint-John and colonel Essex, the names of the rest of that party were so obscure, that neither the one side seemed to be gainers by having taken or killed them, nor the other side to be losers by being without them,) the having kept the field last, and taken the spoil of it, were sufficient testimonies at the least that they were not overcome. But now the taking of Banbury, which was the more signal by the circumstance of that part of the army's being before the battle designed for that service, then recalled to the field, and after that field fought, and the retreat of the enemy, the re-advancing upon it and taking it was so undeniable an argument that the earl of Essex was more broken and scattered than at first he appeared to be, that the king's army was looked upon as victorious. A garrison was put into Banbury, and the command thereof committed to the earl of Northampton, and then the king marched to his own house [at] Woodstock; and the next day with his whole army to Oxford, which was the only city of England that he could say was entirely at his devotion; where he was received by the university, to whom the integrity and fidelity of that place is to be imputed, with that joy and acclamation as Apollo should be by the muses.

100 The earl of Essex continued still at Warwick repairing his broken regiments and troops, which every day lessened and impaired; for the number of his slain men was greater than it was reported to be, there being very many

killed in the chase, and many who died of their wounds after they were carried off; and of those who ran away in the beginning, more stayed away than returned; and, which was worse, they who ran fastest and farthest told such lamentable stories of the defeat, and many of them shewed such hurts, that the terror thereof was even ready to make the people revolt to their allegiance in all places. Many of those who had stood their ground, and behaved themselves well in the battle, either with remorse of conscience, horror of what they had done and seen, or weariness of the duty and danger, withdrew themselves from their colours, and some from their commands. And it is certain many engaged themselves first in that service out of an opinion that an army would procure a peace without fighting; others, out of a desire to serve the king, and resolving to go away themselves, and to carry others with them, as soon as they should find themselves within a secure distance to do it: both these being, contrary to their expectations, brought to fight, the latter not knowing how to get to the king's army in the battle, discharged themselves of the service as soon as they came to Warwick; some with leave, and some without. But that which no doubt most troubled his excellency was the temper and constitutions of his new masters; who, he knew, expected no less from him than a victory complete, by his bringing the person of the king alive or dead to them; and would consider what was now fallen out as it was so much less than they looked for, not as it was more than any body else could have done for them. However, he gave them a glorious account of what had passed, and made as if his stay at Warwick were rather to receive new orders and commands from them, than out of any weakness or inability to pursue the old, and that he attended the king's motion as well as if he had been within seven miles of him.

101 It is certain the consternation was very great at Lon-

don and in the two houses, from the time that they heard that the king marched from Shrewsbury with a formed army, and that he was resolved to fight as soon as he could meet with their army. However, they endeavoured confidently to keep up the ridiculous opinion amongst the common people, that the king did not command, but was carried about in that army of the cavaliers, and was desirous to escape from them; which they hoped the earl of Essex would give him opportunity to do. The first news they heard of the army's being engaged was by those who fled upon the first charge; who made marvellous haste from the place of danger, and thought not themselves safe till they were gotten out of any possible distance of being pursued. It is certain, though it was past two of the clock before the battle began, many of the soldiers, and some commanders of no mean name, were at St. Alban's, which was near thirty miles from the field, before it was dark. These men, as all runaways do for their own excuse, reported all for lost, and the king's army to be so terrible, that it could not be encountered. Some of them, that they might not be thought to come away before there was cause, or whilst there was any hope, reported the progress of the battle, and presented all those lamentable things, and the circumstances by which every part of the army was defeated, which their terrified fancies had suggested to them whilst they ran away; some had seen the earl of Essex slain, and heard his dying words, "That every one should shift for himself, for all resistance was to no purpose:" so that the whole city was, the Monday, full of the defeat; and though there was an express, from the earl of Essex himself, of the contrary, there was not courage enough left to believe it, and every hour produced somewhat to contradict the reports of the last. Monday in the afternoon, the earl of Holland produced a letter in the house of peers, which was written the night before by the earl of

Essex, in which all particulars of the day were set down, and the impression that had in the beginning been made upon his horse, but that the conclusion was prosperous. Whilst this was reading, and every man greedily digesting the good news, the lord Hastings, who had a command of horse in the service, entered the house with frightened and ghastly looks, and positively declared all to be lost, against whatsoever they believed or flattered themselves with. And though it was evident enough that he had run away from the beginning, and only lost his way thither, most men looked upon him as the last messenger, and even shut their ears against any possible comfort; so that without doubt very many, in the horror and consternation of eight and forty hours, paid and underwent a full penance and mortification for the hopes and insolence of three months before. At the last, on Wednesday morning, the lord Wharton and Mr. William Strode, the one a member of the house of lords the other of the commons, arrived from the army, and made so full a relation of the battle, of the great numbers slain on the king's part, without any considerable loss on their side, of the miserable and weak condition the king's army was in, and of the earl of Essex's resolution to pursue him, that they were not now content to be savers, but voted that their army had the victory; and appointed a day for a solemn thanksgiving to God for the same; and, that so great a joy might not be enjoyed only within those walls, they appointed those two trusty messengers to communicate the whole relation with all circumstances to the city; which was convened together at the guildhall to receive the same. But by this time so many persons who were present [at the action] came to the town of both sides, (for there was yet a free intercourse with all quarters,) and some discourses were published how little either of these two messengers had seen themselves of that day's business, that the city seemed not so

much exalted at their relations as the houses had [been]; the king's taking Banbury, and marching afterwards to Oxford, and the reports from those quarters of his power, with the earl of Essex's lying still at Warwick, gave great argument of discourse; which grew the greater by the commitment of several persons for reporting that the king had the better of the field; which men thought would not have been, if the success had been contrary; and therefore there was nothing so generally spoken of, or wished for, as peace.

102 They who were really affected to the king, and from the beginning opposed all the extravagances, for of such there were many in both houses, who could not yet find in their hearts to leave the company, spake now aloud, that an humble address to the king for the removal of all misunderstandings was both in duty necessary and in policy convenient. The half-hearted and half-witted people, which made much the major part of both houses, plainly discerned there must be a war, and that at least the king would be able to make resistance, which they had been promised he could not do, and so were equally passionate to make any overtures for accommodation. They only who had contrived the mischief, and already had digested a full change and alteration of government, and knew well that all their arts would be discovered, and their persons odious, though they might be secured, violently opposed all motions of this kind. These men pressed earnestly to send an express to their brethren of Scotland, to invite and conjure them to come to their assistance, and to leave no way unthought of for suppressing, and totally destroying, all those who had presumed to side with the king. This overture of calling the Scots in again was as unpopular a thing as could be mentioned; besides that it implied a great and absolute diffidence in their own strength, and an acknowledgment that the people of England stood not so generally affected to their

desires, which they had hitherto published, and urged, as the best argument to justify those desires. Therefore the wise managers of that party, by whose conduct they had been principally governed, seemed fully to concur with those who desired peace, and to send an humble address to the king, which they confessed to be due from them as subjects, and the only way to procure happiness for the kingdom. And having hereby rendered themselves gracious, and gained credit, they advised them so to endeavour peace that they might not be disappointed of it, and wished them to consider that the king's party were high upon the success of having an army, (of which they had reasonably before despaired,) though not upon any thing that army had yet done. That it was apparent the king had ministers stirring for him in the north and in the west, though hitherto with little effect; and therefore, if they should make such an application for peace as might imply the giving over the thoughts of war, they must expect such a peace as the mercy of those whom they had provoked would consent to. But if they would steadily pursue those counsels as would make their strength formidable, they might then expect such moderate conditions, as they might, with their own and the kingdom's safety, securely submit to. That therefore the proposition of sending into Scotland was very seasonable; not that it could be hoped, or was desired, that they should bring an army into England, of which there was not like to be any need; but that that kingdom might make such a declaration of their affections, and readiness to assist the parliament, that the king might look upon them with the more consideration, as a body not easily to be oppressed, if he should insist upon too high conditions."

103 By this artifice, whilst they who pressed a treaty thought that, that being once consented to, a peace would inevitably be concluded, the same day that

a committee was appointed, to prepare heads of an humble address unto his majesty, for composing the present differences and distractions, and settling the peace of the kingdom, (which was a great condescension,) they made no scruple to declare, that the preparation of forces, and all other necessary means for defence, should be prosecuted with all vigour; and thereupon required all those officers and soldiers who had left their general, of which the town was then full, upon pain of death, to return to him; and, for his better recruit, solemnly declared, that, in such times of common danger and necessity, the interest of private persons ought to give way to the public; and therefore they ordained, that such apprentices as would be listed to serve as soldiers for the defence of the kingdom, the parliament, and city, (with their other usual expressions of religion, and the king's person,) their sureties, and such as stood engaged for them, should be secured against their masters; and that their masters should receive them again, at the end of their service, without imputing any loss of time to them, but the same should be reckoned as well spent, according to their indentures, as if they had been still in their shops. And by this means many children were engaged in that service, not only against the consent, but against the persons, of their fathers, and the earl received a notable supply [thereby].

104 Then, for their consent that a formal and perfunctory message should be sent to his majesty, whereby they thought a treaty would be entered upon, they procured at the same time, and as an expedient for peace, this material and full declaration of both houses to the subjects of Scotland, which they caused with all expedition to be sent into that kingdom:

105 “ We the lords and commons, assembled in the parliament

of England, considering with what wisdom and public affection our brethren of the kingdom of Scotland did concur with the endeavours of this parliament, and the desires of the whole kingdom, in procuring and establishing a firm peace and amity between the two nations, and how lovingly they have since invited us to a nearer and higher degree of union in matters concerning religion and church-government, which we have most willingly and affectionately embraced, and intend to pursue, cannot doubt but they will, with as much forwardness and affection, concur with us in settling peace in this kingdom, and preserving it in their own; that so we may mutually reap the benefit of that amity and alliance, so happily made and strongly confirmed betwixt the two nations. Wherefore, as we did about a year since, in the first appearance of trouble then beginning amongst them, actually declare, that, in our sense and apprehension of the national alliance betwixt us, we were thereby bound to apply the authority of parliament and power of this kingdom to the preservation and maintenance of their peace: and, seeing now that the troubles of this kingdom are grown to a greater height, and the subtle practices of the common enemy of the religion and liberty of both nations do appear with more evident strength and danger than they did at that time, we hold it necessary to declare, that, in our judgment, the same obligation lies upon our brethren, by the aforementioned act, with the power and force of that kingdom, to assist us in repressing those amongst us who are now in arms, and make war, not only without consent of parliament, but even against the parliament, and for the destruction thereof.

106 “ Wherefore we have thought good to make known unto our brethren, that his majesty hath given commission to divers eminent and known papists, to raise forces, and to compose an army in the north, and other parts of this kingdom, which is to join with divers foreign forces, intended to be transported from beyond the seas, for the destruction of this parliament, and of the religion and liberty of the kingdom: and that the principal part of the clergy and their adherents have likewise invited his majesty to raise another army, which, in his own person, he doth conduct against the parliament, and the city of London, plundering and robbing sundry well affected towns within their power; and, in prosecution of their malice, they

are so presumptuous, and predominant of his majesty's resolutions, that they forbear not those outrages in places to which his majesty hath given his royal word and protection; a great cause and incentive of which malice proceeds from the design they have to hinder the reformation of ecclesiastical government in this kingdom, so much longed for by all the true lovers of the protestant religion.

107 “ And hereupon we farther desire our brethren of the nation of Scotland to raise such forces as they shall think sufficient for securing the peace of their own borders, against the ill affected persons there, as likewise to assist us in suppressing the army of papists and foreigners; which, as we expect, will shortly be on foot here, and, if they be not timely prevented, may prove as mischievous and destructive to that kingdom as to ourselves. And though we seek nothing from his majesty that may diminish his just authority or honour, and have by many humble petitions endeavoured to put an end to this unnatural war and combustion in the kingdom, and to procure his majesty's protection, and security for our religion, liberty, and persons (according to that great trust which his majesty is bound to by the laws of the land,) and shall still continue to renew our petitions in that kind; yet, to our great grief, we see the papistical and malignant council so prevalent with his majesty, and his person so engaged to their power, that we have little hope of better success of our petitions than we formerly had; and are thereby necessitated to stand upon our just defence, and to seek this speedy and powerful assistance of our brethren of Scotland, according to that act agreed upon in the parliament of both kingdoms, the common duty of Christianity, and the particular interests of their own kingdom: to which we hope God will give such a blessing, that it may produce the preservation of religion, the honour, safety, and peace of his majesty and all his subjects, and a more strict conjunction of the counsels, designs and endeavours of both nations, for the comfort and relief of the reformed churches beyond sea.”

108 It will not be here unseasonable, having, according to my weak abilities and observation, described the general temper and disposition of that time, and the particular

state of affairs in the several parts of the kingdom, to take some short survey of the affections and inclinations, of Scotland; the ordering and well disposing whereof either side sufficiently understood would be of moment and extraordinary importance in the growing contention. From the time of the king's being last there, when he had so fully complied with all they had desired, both for the public government and their private advancements, that kingdom within itself enjoyed as much quiet and tranquillity as they could desire; having the convenience of disburdening themselves of their late army into Ireland, whither their old general Leslie, then made earl of Leven, was employed in his full command by the king and the two houses at the charge of England. So that many believed they had been so abundantly satisfied with what they had already gotten from England, that they had no farther projects upon that kingdom, but meant to make their fortunes by a new conquest in Ireland, where they had a very great part of the province of Ulster planted by their own nation. So that, according to their rules of good husbandry, they might expect whatsoever they got from the rebels to keep for themselves. And the king himself was so confident that the affections of that people could not be [so] corrupted towards him, and to make a farther attempt upon him, that he believed them, to a degree, sensible of their former breach of duty, and willing to repair it by any service. Leslie himself had made great acknowledgments and great professions to him, and had told him, "that it was nothing to promise him, that he would never more bear arms against him; but he promised he would serve his majesty upon any summons, without asking the cause." The earl of Lowden, and all the rest, who had misled the people, were possessed of whatsoever they could desire, and the future fortune of that nation

seemed to depend wholly upon the keeping up the king's full power in this.

109 His majesty had, from time to time, given his council of that kingdom full relations of all his differences with the parliament, and had carefully sent them the declarations and public passages of both sides; and they had always returned very ample expressions of their affections and duty, and expressed a great sense of the parliament's proceedings towards him. And since the time of his being at York, the lord chancellor of Scotland, in whose integrity and loyalty he was least secure, had been with him; and seemed so well satisfied with the justice and honour of his majesty's carriage towards the parliament, that he writ to the Scotch commissioners at London, in the name, and as by direction of the lords of the secret council of that kingdom, "that they should present to the two houses the deep sense they had of the injuries and indignities which were offered to the king, whose just rights they were bound to defend; and that they should conjure them to bind up those wounds which were made, and not to widen them by sharpness of language; and to give his majesty such real security for his safety amongst them, by an effectual declaring against tumults, and such other actions as were justly offensive to his majesty, that he might be induced to reside nearer to them, and comply with them in such propositions as should be reasonably made;" with many such expressions, as, together with his return into Scotland without coming to London, where he was expected, gave them so much offence and jealousy, that they never communicated that letter to the houses, and took all possible care to conceal it from the people.

110 The marquis Hamilton had been likewise with his majesty at York, and finding the eyes of all men directed towards him with more than ordinary jealousy, he offered

the king to go into Scotland, with many assurances and undertakings, confident, that he would at least keep that people from doing any thing that might seem to countenance the carriage of the parliament. Upon which promises, and to be rid of him at York, where he was by all men looked upon with marvellous prejudice, the king suffered him to go, with full assurance that he would, and he was sure he could, do him very good service there: as, on the other side, in his own court he was so great an offence, that the whole gentry of Yorkshire, who no doubt had infusions to that purpose from others, had a design to have petitioned the king, that the marquis might be sequestered from all councils and presence at court, as a man too much trusted by them who would not trust his majesty.

111 Lastly, the king had many of the nobility of Scotland then attending him, and among those the earl of Candler, who had been lieutenant-general of the Scotch army when it invaded England, and had freely confessed to his majesty, upon what errors and mistakes he had been corrupted, and by whom, and pretended so deep a sense of what he had done amiss, that it was believed he would have taken command in the king's army; which he declined, as if it might have been penal to him in Scotland by some clause in the act of the pacification, but especially upon pretence it would disable him from doing him greater service in that kingdom: whither, shortly after the standard was set up, he repaired, with all solemn vows of asserting and improving his majesty's interest in those parts.

112 The parliament on the other hand assured themselves, that that nation was entirely theirs, having their commissioners residing with them at London; and the chief managers and governors in the first [war], by their late intercourse, and communication of guilt, having a firm correspondence with the marquis of Argyle, the earl of

Lowden, and that party, who, being not able to forgive themselves, thought the king could never in his heart forgive them when it should be in his power to bring them to justice; and they undertook that when there should be need of that nation, (which the other thought there would never be,) they should be as forward to second them as they had been; in the mean time returned as fair and respective answers to all their messages, and upon their declarations, which were constantly sent to them, as they did to the king; assisting them in their design against the church, which was not yet grown popular, even in the two houses, by declaring, that the people of that nation could never be engaged on any other ground than the reformation of religion. And therefore, about the beginning of August, the assembly of the kirk of Scotland published a declaration, how exceedingly grieved they were, and made heavy, that in so long a time, against the professions both of king and parliament, and contrary to the joint desires and prayers of the godly in both kingdoms, to whom it was more dear and precious than what was dearest to them in the world, the reformation of religion had moved so slowly, and suffered so great interruption.

- 113 The ground of which reproach was this. In the late treaty of peace, the commissioners for Scotland had expressed a desire or wish, warily couched in words, rather than a proposition, "that there were such an unity of religion, and uniformity of church-government agreed on, as might be a special means for conserving of peace betwixt the two kingdoms:" to which there had been a general inclination to return a rough answer, and reproof for their intermeddling in any thing that related to the laws of England. But, by the extraordinary industry and subtilty of those who saw that business was not yet ripe, and who alleged, that it was only wished, not proposed, and therefore that a sharp reply was not merited,

this gentle answer, against the minds of very many, was returned :

114 “ That his majesty, with the advice of both houses of parliament, did approve of the affection of his subjects of Scotland, in their desire of having conformity of church-government between the two nations ; and as the parliament had already taken into consideration the reformation of church-government, so they would proceed therein in due time, as should best conduce to the glory of God, the peace of the church and of both kingdoms.”

115 Which was consented to by most as a civil answer, signifying or concluding nothing ; by others, because it admitted an interpretation of reducing the government of the church in Scotland to this of England, as much as the contrary. But it might have been well discerned, that those men asked nothing without a farther design than the words naturally imported, nor ever rested satisfied with a general formal answer, except they found that they should hereafter make use and receive benefit by such answer. So they now urged the matter of this answer as a sufficient title to demand the extirpation of prelacy in England, and demolishing the whole fabric of that glorious church ; urging his majesty’s late practice, while he [was] in person in Scotland, in resorting frequently to their exercises of public worship ; and his royal actions, in establishing the worship and government of that kirk in parliament. And therefore they desired the parliament

116 “ To begin their work of reformation at the uniformity of kirk-government ; for that there could be no hope of unity in religion, of one confession of faith, one form of worship, and one catechism, till there were first one form of church-government ; and that the kingdom and kirk of Scotland could have no hope of a firm and durable peace, till prelacy, which had been the main cause of their miseries and troubles, first and last, were plucked up root and branch, as a plant which God had not planted, and from which no better fruits could be expected,

than such sour grapes as at that day set on edge the kingdom of England."

117 Which declaration the lords of the secret council, finding, as they said,

118 "The reasons therein expressed to be very pregnant, and the particulars desired much to conduce [to] the glory of God, the advancement of the true Christian faith, his majesty's honour, and the peace and union of his dominions, well approved of; and concurred in their earnest desires to the two houses of parliament, to take to their serious considerations those particulars, and to give favourable hearing to such desires and overtures as should be found most conducive [to] the promoting so great and so good a work."

119 This being sent to the parliament at the time they were forming their army, and when the king was preparing for his defence, they who from the beginning had principally intended this confusion of the church insinuated

120 "How necessary it was, speedily to return a very affectionate and satisfactory reply to the kingdom of Scotland; not only to preserve the reputation of unity and consent between them, which, at that time, was very useful to them, but to hinder the operations of the disaffected in that kingdom; who, upon infusions that the parliament only aimed at taking his majesty's regal rights from him, to the prejudice of monarchique government, without any thought of reforming religion, endeavoured to pervert the affections of that people towards the parliament. Whereas, if they were once assured there was a purpose to reform religion, they should be sure to have their hearts, and, if occasion required, their hands too, which possibly might be seduced for the king if that purpose were not manifested. Therefore, for the present, they should do well to return their hearty thanks for, and their brotherly acceptance and approbation of the desires and advice of that Christian assembly, and of the lords of the council; and that though, for the present, by reason of the king's distance from the parliament, they could not settle any conclusions in that matter, [yet] for their parts they were resolved to endeavour it."

21 And by this artifice and invention they procured a declaration from the two houses of parliament of wonderful kindness, and confession of many inconveniences and mischiefs the kingdom had sustained by bishops; and therefore they declared,

22 “That that hierarchical government was evil, and justly offensive, and burdensome to the kingdom; a great impediment to reformation and growth of religion; very prejudicial to the state and government of the kingdom; and that they were resolved that the same should be taken away; and that their purpose was to consult with godly and learned divines, that they might not only remove that, but settle such a government as might be most agreeable to God’s holy word; most apt to procure and conserve the peace of the church at home, and happy union with the church of Scotland, and other reformed churches abroad; and to establish the same by a law, which they intended to frame for that purpose, to be presented to his majesty for his royal assent; and in the mean time to beseech him, that a bill for the assembly might be passed in time convenient for their meeting;”

the two houses having extrajudicially and extravagantly nominated their own divines to that purpose, as is before remembered.

24 It was then believed by many, and the king was persuaded to believe the same, that all those importunities from Scotland concerning the government of the church were used only to preserve themselves from being pressed by the parliament to join with them against the king; imagining that this kingdom would never have consented to such an alteration; and they again pretending, that no other obligation could unite that people in their service. But it is most certain this last declaration was procured by persuading men, that it was for the present necessary, and that it was only an engagement to do their best to persuade his majesty, who they concluded would be inexorable in the point, (which they seemed not to be sorry for,) and that a receding from

such a conclusion would be a means to gratify his majesty in a treaty. At worst, they all knew, that there would be room enough, when any bill should be brought in, to oppose what they had for this reason of state seemed generally to consent to. And so by these stratagems, thinking to be too hard for each other, they grew all so entangled, that they still wound themselves deeper into those labyrinths in which the major part meant not to be involved. And what effect that declaration of the two houses, after the battle of Edge-hill, which is mentioned before, wrought, will very shortly appear.

¹²⁵ The king found himself in good ease at Oxford, where care was taken for providing for the sick and wounded soldiers, and for the accommodation of the army, which was in a short time recruited there in a good measure; and the several colleges presented his majesty with all the money they had in their treasuries, which amounted to a good sum, and was a very seasonable supply, as they had formerly sent him all their plate. It had been very happy, if the king had continued his resolution of sitting still during the winter, without making farther attempts; for his reputation was now great, and his army believed to be much greater than it was, by the victory they had obtained, and the parliament grew more divided into factions, and dislike of what they had done, and the city appeared fuller of discontent, and less inclined to be imposed upon, than they had been: so that on all hands nothing was pressed, but that some address might be made to the king for an accommodation; which temper and disposition might have been cultivated, as many men thought, to great effects, if no farther approaches had been made to London, to shew them how little cause they had for their great fear. But the weather growing fair again, as it often is about Allhollontide, and a good party of horse having been sent out from Abingdon,

where the head quarter of the horse was, they advanced farther than they had order to do, and upon their approach to Reading, where Harry Martin was governor for the parliament, there was a great terror seized upon them, insomuch as governor and garrison fled to London, and left the place to the party of horse; which gave advertisement to the king, that all fled before them; that the earl of Essex remained still at Warwick, having no army to march; and that there were so great divisions in the parliament, that, upon his majesty's approach, they would all fly; and that nothing could interrupt him from going to Whitehall. However, Reading itself was so good a post, that if the king should find it necessary to make his own residence in Oxford, it would be much the better by having a garrison at Reading.

126 Upon these and other motives, besides the natural credulity in men in believing all they wish to be true, the king was prevailed with to march with his army to Reading. This alarum quickly came to London, and was received with the deepest horror: they now unbelieved all which had been told them from their own army; that army, which they were told was well beaten and shattered, was now advanced within thirty miles of London; and the earl of Essex, who pretended to the victory, and who they supposed was watching the king that he might not escape from [them,] could not be heard of, and continued still at Warwick. Whilst the king was at Nottingham and Shrewsbury, they gave orders magisterially for the war; but now it was come to their own doors, they took not that delight in it.

27 Before they were resolved what to say, they despatched a messenger, who found the king at Reading, only to desire a safe conduct from his majesty for a committee of lords and commons, to attend his majesty with an humble petition from his parliament. The king presently returned his answer, that he had always been,

and was still, ready to receive any petition from them; that their committee should be welcome, provided it consisted of persons who had not been by name declared traitors by his majesty, and excepted as such in his declarations or proclamations. The cause of this limitation was as well the former rule his majesty had set down at Shrewsbury, (from whence he thought not fit now to recede after a battle,) as that he might prevent the lord Say's being sent to him, from whom he could expect no entire and upright dealing.

128 The next day another letter came from the speaker of the house of peers to the lord Falkland, one of his majesty's principal secretaries, to desire a safe conduct for the earls of Northumberland and Pembroke, and four members of the house of commons, to attend his majesty with their petition; which safe conduct was immediately signed by his majesty, excepting only for sir John Evelyn, who was by name excepted in his majesty's proclamation of pardon to the county of Wilts; which proclamation was then sent to them with a signification, that if they would send any other person in his place, not subject to the same exception, he should be received as if his name was in the safe conduct. Though this was no more than they had cause to look for, yet it gave them opportunity for a time to lay aside the thought of petitioning, as if his majesty had rejected all overtures of peace: "For he might every day proclaim as many of their members traitors, and except them from pardon, as he pleased; and therefore it was to no purpose to prepare petitions, and appoint messengers to present them, when it was possible those messengers might, the hour before, be proclaimed traitors: that to submit to such a limitation of the king's was, upon the matter, to consent to and approve the highest breach of privilege that had been yet offered to them."

129 So that, for some days, all discourse of peace was waved,

and all possible preparation for defence and resistance made; for which they had a stronger argument than either of the other, the advancing of their general, the earl of Essex, who was now on his march towards London; and a great fame came before him of the strength and courage of his army; though in truth it was not answerable to the report: however, it served to encourage and inflame those whose fear only inclined them to peace, and to awe the rest. The king, who had every night an account of what was transacted in the houses all day, (what the close committee did, who guided all private designs, was not so soon known,) resolved to quicken them; and advanced with his whole army to Colebrook. This indeed exalted their appetite to peace; for the clamour of the people was importunate, and somewhat humbled their style; for at Colebrook, the 11th of November, his majesty was met by the two earls of Northumberland and Pembroke, with those three of the house of commons whose names were in the safe conduct; they satisfying themselves, that the leaving sir John Evelyn behind them, without bringing another in his room, was no submission to the king's exception: and this petition [was] by them presented to him:

30 " We your majesty's most loyal subjects, the lords and commons in parliament assembled, being affected with a deep and piercing sense of the miseries of this kingdom, and of the dangers to your majesty's person, as the present affairs now stand; and much quickened therein with the sad consideration of the great effusion of blood at the late battle, and of the loss of so many eminent persons; and farther weighing the addition of loss, misery, and danger to your majesty and your kingdom which must ensue, if both armies should again join in another battle, as without God's especial blessing, and your majesty's concurrence with your houses of parliament, will not probably be avoided: we cannot but believe that a suitable impression of tenderness and compassion is wrought in your majesty's royal heart, being yourself an eyewitness of the bloody and sorrowful destruction of so

many of your subjects ; and that your majesty doth apprehend what diminution of your own power and greatness will follow, and that all your kingdoms will thereby be so weakened as to become subject to the attempts of any ill-affected to this state.

- 131 " In all which respects we assure ourselves, that your majesty will be inclined graciously to accept this our humble petition ; that the misery and desolation of this kingdom may be speedily removed, and prevented. For the effecting whereof, we humbly beseech your majesty to appoint some convenient place, not far from the city of London, where your majesty will be pleased to reside, until committees of both houses of parliament may attend your majesty with some propositions for the removal of these bloody distempers and distractions, and settling the state of the kingdom in such a manner as may conduce to the preservation of God's true religion, your majesty's honour, safety, and prosperity ; and to the peace, comfort, and security of all your people."

- 132 The king, within two or three hours after the receipt of this petition, delivered to the same messengers this ensuing answer, with which they returned the same night to London :

- 133 " We take God to witness, how deeply we are affected with the miseries of this kingdom, which heretofore we have stroven as much as in us lay to prevent ; it being sufficiently known to all the world, that, as we were not the first that took up arms, so we have shewed our readiness of composing all things in a fair way by our several offers of treaty, and shall be glad now at length to find any such inclinations in others. The same tenderness to avoid the destruction of our subjects, (whom we know to be our greatest strength,) which would always make our greatest victories bitter to us, shall make us willingly hearken to such propositions, whereby these bloody distempers may be stopped, and the great distractions of this kingdom settled, to God's glory, our honour, and the welfare and flourishing of our people : and to that end shall reside at our own castle at Windsor, (if the forces there shall be removed,) till committees may have time to attend us with the same, (which, to prevent the inconveniences that will intervene, we wish [may] be hastened,) and shall be ready there, or, if that be refused us, at any place where we

shall be, to receive such propositions as aforesaid from both our houses of parliament. Do you your duty, we will not be wanting to ours. God of his mercy give a blessing."

- 34 It was then believed by many, that if the king had, as soon as the messengers returned to London, retired with his army to Reading, and there expected the parliament's answer, they would immediately have withdrawn their garrison from Windsor, and delivered that castle to his majesty for his accommodation to have treated in: and without doubt those lords who had been with the petition, and some others who thought themselves as much overshadowed by the greatness of the earl of Essex, and the chief officers of the army, as they could be by the glory of any favourite, or power of any counsellors, were resolved to merit as much as they could of the king, by advancing an honourable peace; and had it in their purpose to endeavour the giving up of Windsor to the king; but whether they would have been able to have prevailed that so considerable a strength, in so considerable a place, should have been quit, whilst there was only hope of a peace, I much doubt. But certainly the king's army carried great terror with it; and all those reports, which published the weakness of it, grew to be peremptorily disbelieved. For, besides that every day's experience disproved somewhat which was as confidently reported, and it was evident great industry was used to apply such intelligence to the people as was most like to make impression upon the passions and affections of the vulgar-spirited, it could not be believed that a handful of men could have given battle to their formidable army, and, after taking two or three of their garrisons presume to march within fifteen miles of London: so that, if from thence the king had drawn back again to Reading, relying upon a treaty for the rest, it is probable his power would have been more valued, and consequently his grace the more magnified. And sure the king resolved to have

done so, or at least to have staid at Colebrook, (which was not so convenient,) till he heard again from the parliament. But prince Rupert, exalted with the terror he heard his name gave to the enemy, trusting too much to the vulgar intelligence every man received from his friends at London, who, according to their own passions and the affections of those with whom they corresponded, concluded that the king had so great a party in London, that if his army drew near no resistance would be made, and too much neglecting the council of state, (which from the first hour the army overmuch inclined to,) without any direction from the king, the very next morning after the committee returned to London, advanced with the horse and dragoons to Hounslow, and then sent to the king to desire him that the army might march after; which was, in that case, of absolute necessity; for the earl of Essex had a part of his army at Brentford, and the rest at Acton and Kingston. So that if the king had not advanced with his body, those who were before might very easily have been compassed in, and their retreat [made] very difficult.

So the king marched with his whole army towards Brentford, where were two regiments of their best foot, (for so they were accounted, being those who had eminently behaved themselves at Edge-hill,) having barricadoed the narrow avenues to the town, and cast up some little breastworks at the most convenient places. Here a Welsh regiment of the king's, which had been faulty at Edge-hill, recovered its honour, and assaulted the works, and forced the barricadoes, well defended by the enemy. Then the king's forces entered the town after a very warm service, the chief officers and many soldiers of the other side being killed, and took there above five hundred prisoners, eleven colours, and fifteen pieces of cannon, and good store of ammunition. But this victory (for considering the place it might well be called so) proved not at all fortunate to his majesty.

¹³⁶ The two houses were so well satisfied with the answer their committee had brought from the king, and with the report they made of his majesty's clemency and gracious reception of them, that they had sent order to their forces, that they should not exercise any act of hostility towards the king's forces; and at the same time despatched a messenger to acquaint his majesty therewith, and to desire that there might be the like forbearance on his part. This messenger found both parties engaged at Brentford, and so returned without attending his majesty, who had no apprehension that they intended any cessation; since those forces were advanced to Brentford, Acton, and Kingston after their committee was sent to Colebrook. However they looked upon this entering of Brentford as a surprise contrary to faith, and the betraying their forces to a massacre under the specious pretence of a treaty for peace. The alarum came to London with the same dire yell as if the army were entered their gates, and the king accused of treachery, perfidy, and blood; and that he had given the spoil and wealth of the city as pillage to his army, which advanced with no other purpose.

¹³⁷ They who believed nothing of those calumnies were not yet willing the king should enter the city with an army, which, they knew, would not be governed in so rich quarters; and therefore, with unspeakable expedition, the army under the earl of Essex was not only drawn together, but all the trained bands of London led out in their brightest equipage upon the heath next Brentford; where they had indeed a full army of horse and foot, fit to have decided the title of a crown with an equal adversary. The view and prospect of this strength, which nothing but that sudden exigent could have brought together, (so that army was really raised by king and parliament,) extremely puffed them up; not only as it was an ample security against the present danger, but as

it looked like a safe power to encounter any exigent. They had then before their eyes the king's little handful of men, and then began to wonder and blush at their own fears; and all this might be without excess of courage; for without doubt their numbers then, without the advantage of equipage, (which to soldiers is a great addition of mettle,) were five times greater than the king's harassed, weatherbeaten, and half-starved troops.

138 I have heard many knowing men, and some who were then in the city regiments, say, that if the king had advanced, and charged that massive body, it had presently given ground; and that the king had so great a party in every regiment, that it would have made no resistance. But it had been madness, which no success could have vindicated, to have made that attempt: and the king easily discerned that he had brought himself into straits and difficulties which would be hardly mastered, and exposed his victorious army to a view at too near a distance of his two enemies, the parliament and the city. Yet he stood all that day in battalia to receive them, who only played upon him with their cannon, to the loss only of four or five horses, and not one man; that being a good argument to them not to charge the king, which had been an ill one to him to charge them, the constitution of their forces, where there were very many not at all affected to the company they were in.

139 When the evening drew on, and it appeared that great body stood only for the defence of the city, the king appointed his army to draw off to Kingston, which the rebels had kindly quitted; which they did without the loss of a man; and himself went to his own house at Hampton-court; where he rested the next day, as well to refresh his army, even tired with watching and fasting, as to expect some propositions from the houses. For, upon his advance to Brentford, he had sent a servant of his own, one Mr. White, with a message to the parlia-

ment, containing the reasons of that motion, (there being no cessation offered on their part,) and desiring the propositions might be despatched to him with all speed. But his messenger being carried to the earl of Essex was by him used very roughly, and by the houses committed to the Gate-house, not without the motion of some men, that he might be executed as a spy.

140 After a day's stay at Hampton-court, the king removed himself to his house at Oatlands, leaving the gross of his army still at Kingston, and thereabouts; but being then informed of the high imputations they had laid upon him, of breach of faith by his march to Brentford; and that the city was really inflamed with an opinion that he meant to have surprised them, and to have sacked the town; that they were so possessed with that fear and apprehension, that their care and preparation for their safety would at least keep off all propositions for peace, whilst the army lay so near London; he gave direction for all his forces to retire to Reading; first discharging all the common soldiers who had been taken prisoners at Brentford, (except such who voluntarily offered to serve him,) upon their oaths that they would no more bear arms against his majesty.

141 The king then sent a message to the houses, in which he took notice of those unjust and unreasonable imputations raised on him; told them again of the reasons and circumstances of his motion towards Brentford; of the earl of Essex's drawing out his forces towards him, and possessing those quarters about him, and almost hemming him in, after the time that the commissioners were sent to him with the petition; that he had never heard of the least overture of the forbearing all acts of hostility, but saw the contrary practised by them by that advance; that he had not the least thought or intention of mastering the city by force, or carrying his army thither; that he wondered to hear his soldiers charged with

thirsting after blood, when they took above five hundred prisoners in the very heat of the fight. He told them such were most apt and likely to maintain their power by blood and rapine, who had only got it by oppression and injustice; that his was vested in him by the law, and by that only (if the destructive counsels of others did not hinder such a peace, in which that might once again be the universal rule, and in which only religion and justice could flourish) he desired to maintain it: that he intended to march to such a distance from his city of London as might take away all pretence of apprehension from his army, that might hinder them from preparing their propositions, in all security, to be presented to him; and there he would be ready to receive them, or, if that expedient pleased them not, to end the pressures and miseries which his subjects, to his great grief, suffered through this war, by a present battle."

142 But as the army's being so near London was an argument against a present treaty, so its remove to Reading was a greater with very many not to desire any. The danger, which they had brought themselves for some days together to look upon at their gates, was now to be contemned at the distance of thirty miles; and this retreat imputed only to the fear of their power, not to the inclination to peace. And therefore they, who during the time that the major part did really desire a good peace, and whilst overtures were preparing to that purpose had the skill to intermingle acts more destructive to it than any propositions could be contributory, (as the inviting the Scots to their assistance by that declaration which is before mentioned; and the publishing a declaration at the same time, which had lain long by them, in reply to one set forth by the king long before in answer to theirs of the 26th of May, in which they used both his person and his power with more irreverence than they had ever done before,) now only insisted

on the surprise, as they called it, of Brentford; [and] published, by the authority of both houses, a relation of the carriage of the king's soldiers in that town after their victory, (which they framed upon the discourses of the country people, who possibly, as it could not be otherwise, had received damage by their license then,) to make the king and his army odious to the kingdom; "as affecting nothing but blood and rapine;" [and] concluded, "that there could not be reasonably expected any good conditions of a tolerable peace from the king whilst he was in such company; and therefore that all particular propositions were to be resolved into that one, of inviting his majesty to come to them;" and got a vote from the major part of both houses, "that no other thought of accommodation or treaty should be thought on."

¹⁴³ Their trusty lord mayor of London, Isaac Pennington, who was again chosen to serve another year, so bestirred himself, having to assist him two such sheriffs, Langham and Andrews, as they could wish, that there was not only no more importunity or interposition from the city for peace; but, instead thereof, an overture and declaration from divers, under the style of well-affected persons, that they would advance a considerable number of soldiers, for the supply and recruit of the parliament forces; and would arm, maintain, and pay them for several months, or during the times of danger and distractions; provided that they might have the public faith of the kingdom for repayment of all such sums of money which they should so advance by way of loan. This wonderful kind [of] proposition was presently declared to be an acceptable service to the king, parliament, and kingdom, and necessarily tending to the preservation of them; and therefore an ordinance, as they call it, was framed, and passed both houses,

¹⁴⁴ "That all such as should furnish men, money, horse, or arms for that service, should have the same fully repaid again, with

interest for the forbearance thereof, from the times disbursed. And for the true payment thereof, they did thereby engage to all and every such person and persons the public faith of the kingdom.”

¹⁴⁵ And ordered the lord mayor, and sheriffs of London, by themselves, or such sub-committees as they should appoint, to take subscriptions, and to intend the advancement of that service. Upon this voluntary, general proposition, made by a few obscure men, probably such who were not able to supply much money, was this ordinance made; and from this ordinance the active mayor and sheriffs appointed a committee of such persons whose inclinations they well knew, to press all kind of people, especially those who were not forward, to new subscriptions; and by degrees, from this unconsidered passage, grew the monthly tax of six thousand pounds to be set upon the city for the payment of the army.

¹⁴⁶ As they provided with this notable circumspection to raise men and money, so they took not less care, nor used less art and industry, to raise their general; and lest he might suppose himself fallen in their good grace and confidence, by bringing an army which he had carried out in full numbers, and glorious equipage, back shattered, poor, and discomforted, they used him with greater reverence and submission than ever. They had before appointed another distinct army to be raised under the command of the earl of Warwick, and not subject to the power of the earl of Essex; and of this, several regiments and troops were raised: these they sent to the old army, and the earl of Warwick gave up his commission, upon a resolution, “that there should be only one general, and that the earl of Essex.” Then the two houses passed and presented with great solemnity this declaration, the same day that their committee went to the king with their petition, to his excellency;

¹⁴⁷ “That, as they had, upon mature deliberation, and assured

confidence in his wisdom, courage, and fidelity, chosen and appointed him their captain-general; so they did find, that the said earl had managed that service, of so high importance, with so much care, valour, and dexterity, as well by the extremest hazard of his life, in a bloody battle near Keinton in Warwickshire, as by all the actions of a most excellent and expert commander, in the whole course of that employment, as did deserve their best acknowledgment: and they did therefore declare, and publish, to the lasting honour of the said earl, the great and acceptable service which he had therein done to the commonwealth: and should be willing and ready, upon all occasions, to express the due sense they had of his merits, by assisting and protecting him, and all others employed under his command in that service, with their lives and fortunes, to the uttermost of their power: that testimony and declaration to remain upon record, in both houses of parliament, for a mark of honour to his person, name, and family, and for a monument of his singular virtue to posterity."

148 When they had thus composed their army and their general, they sent this petition to the king to Reading, who staid still there in expectation of their propositions:

149 " May it please your majesty:

" It is humbly desired by both houses of parliament, that your majesty will be pleased to return to your parliament, with your royal, not your martial, attendance; to the end that religion, laws, and liberties may be settled and secured by their advice; finding by a sad and late accident, that your majesty is environed by some such counsels, as do rather persuade a desperate division, than a joining and a good agreement with your parliament and people: and we shall be ready to give your majesty assurances of such security as may be for your honour and the safety of your royal person."

150 As soon as the king received this strange address, he returned them by the same messenger a sharp answer. He told them,

151 " He hoped all his good subjects would look upon that message with indignation, as intended, by the contrivers thereof, as a scorn to him; and thereby designed by that malignant party, (of whom he had so often complained, whose safety and

ambition was built upon the divisions and ruins of the kingdom, and who had too great an influence upon their actions,) for a wall of separation betwixt his majesty and his people. He said, he had often told them the reasons why he departed from London; how he was chased thence, and by whom; and as often complained, that the greatest part of his peers, and of the members of the house of commons, could not, with safety to their honours and persons, continue, and vote freely amongst them; but, by violence, and cunning practices, were debarred of those privileges, which their birthrights, and the trust reposed in them by their counties, gave them: that the whole kingdom knew that an army was raised, under pretence of orders of both houses, (an usurpation never before heard of in any age,) which army had pursued his majesty in his own kingdom; given him battle at Keinton; and now, those rebels being recruited and possessed of the city of London, he was courteously invited to return to his parliament there, that is, to the power of that army.

152 “ That, he said, could signify nothing but that, since the traitorous endeavours of those desperate men could not snatch the crown from his head, it being defended by the providence of God, and the affections and loyalty of his good subjects, he should now tamely come up, and give it them; and put himself, his life, and the lives, liberties, and fortunes of all his good subjects, into their merciful hands. He said, he thought not fit to give any other answer to that part of their petition: but as he imputed not that affront to both his houses of parliament, nor to the major part of those who were then present there, but to that dangerous party his majesty and the kingdom must still cry out upon; so he would not (for his good subjects' sake, and out of his most tender sense of their miseries, and the general calamities of the kingdom, which must, if the war continued, speedily overwhelm the whole nation) take advantage of it; but if they would really pursue the course they seemed, by their petition at Colebrook, to be inclined to, he should make good all he then promised; whereby the hearts of his distressed subjects might be raised with the hopes of peace; without which, religion, the laws, and liberties, could by no ways be settled and secured.

153 “ For the late and sad accident they mentioned, if they in-

tended that of Brentford, he desired them once again to deal ingenuously with the people, and to let them see his last message to them, and his declaration concerning the same," (both which his majesty had sent to his press at London, but were taken away from his messenger and not suffered to be published,) "and then he doubted not but they would be soon undeceived, and easily find out those counsels which did rather persuade a desperate division, than a good agreement betwixt his majesty, his two houses, and people."

154 This answer being delivered, without any farther consideration whether the same were reasonable or not reasonable, they declared the king had no mind to peace; and thereupon laid aside all farther debates to that purpose; and ordered their general to march to Windsor with the army, to be so much nearer the king's forces; for the better recruiting whereof, two of their most eminent chaplains, Dr. Downing and Mr. Marshall, publicly avowed, "that the soldiers lately taken prisoners at Brentford, and discharged, and released by the king upon their oaths that they would never again bear arms against him, were not obliged by that oath;" but, by their power, absolved them thereof, and so again engaged those miserable wretches in a second rebellion.

155 When the king discerned clearly that the enemies to peace had the better of him, and that there was now no farther thought of preparing propositions to be sent to him; after he had seen a line drawn about Reading, which he resolved to keep as a garrison, and the works in a reasonable forwardness, he left sir Arthur Aston, whom he had lately made commissary-general of the horse, (Mr. Wilmot being at the same time constituted lieutenant-general,) governor thereof, with a garrison of above two thousand foot, and a good regiment of horse: and himself with the rest of his army marched to Oxford, where he resolved to rest that winter, settling at the same time a good garrison at Wallingford, a place of

great importance within eight miles of Oxford; another at the Brill upon the edge of Buckinghamshire; a third being before settled at Banbury; Abingdon being the head quarters for his horse; and by this means he had all Oxfordshire entire, all Berkshire, but that barren division about Windsor; and from the Brill, and Banbury, a good influence upon Buckinghamshire and Northamptonshire.

156 The king was hardly settled in his quarters, when he heard that the parliament was fixing a garrison at Marlborough in Wiltshire, a town the most notoriously disaffected of all that county; otherwise, saving the obstinacy and malice of the inhabitants, in the situation of it very unfit for a garrison. Thither the earl of Essex had sent one Ramsey, (a Scotchman, as most of their officers were of that nation,) to be governor; who, with the help of the factious people there, had quickly drawn together five or six hundred men. This place, the king saw, would prove quickly an ill neighbour to him; not only as it was in the heart of a rich county, and so would straiten, and even infest his quarters, (for it was within twenty miles of Oxford,) but as it did cut off his line of communication with the west; and therefore, though it was December, a season when his tired and almost naked soldiers might expect rest, he sent a strong party of horse, foot, and dragoons, under the command of Mr. Wilmot, the lieutenant-general of his horse, to visit that town; who, coming thither on a Saturday, found the place strongly manned: for, besides the garrison, it being market-day, very many country people came thither to buy and sell, and were all compelled to stay and take arms for the defence of the place; which, for the most part, they were willing to do, and the people peremptory to defend it. Though there was no line about it, yet there were some places of great advantage, upon which they had raised batteries, and planted cannon, and so barricadoed all the

avenues, which were through deep narrow lanes, that the horse could do little service.

157 When the lieutenant-general was with his party near the town, he apprehended a fellow, who confessed, upon examination, that he was a spy, and sent by the governor to bring intelligence of their strength and motion. When all men thought, and the poor fellow himself feared, he should be executed, the lieutenant-general caused his whole party to be ranged in order in the next convenient place, and bid the fellow look well upon them, and observe them, and then bid him return to the town, and tell those that sent him what he had seen, and withal that he should acquaint the magistrates of the town, "that they should do well to treat with the garrison to give them leave to submit to the king; that if they did so, the town should not receive the least prejudice; but if they compelled him to make his way, and enter the town by force, it would not be in his power to keep his soldiers from taking that which they should win with their blood:" and so dismissed him. This generous act proved of some advantage; for the fellow, transported with having his life given him, and the numbers of the men he had seen, besides his no experience in such sights, being multiplied by his fear, made notable relations of the strength, gallantry, and resolution of the enemy, and of the impossibility of resisting them; which, though it prevailed not with those in authority to yield, yet it strangely abated the hopes and courage of the people. So that when the king's soldiers fell on, after a volley or two, in which much execution was done, they threw down their arms, and ran into the town; so that the foot had time to make room for the horse, who were now entered at both ends of the town, yet were not so near an end as they expected; for the streets were in many places barricaded, which were obstinately defended by some soldiers

and townsmen, who killed many men out of the windows of the houses; so that, it may be, if they had trusted only to their own strength, without compelling the country men to increase their number, and who being first frightened, and weary, disheartened their companions, that vile place might have cost more blood. Ramsey the governor was himself retired into the church with some officers, and from thence did some hurt; upon this, there being so many killed out of windows, fire was put to the next houses, so that a good part of the town was burned, and then the soldiers entered, doing less execution than could reasonably be expected; but what they spared in blood they took in pillage, the soldiers inquiring little who were friends or foes.

158 This was the first garrison taken on either side; (for I cannot call Farnham castle in Surrey one, whither some gentlemen who were willing to appear for the king had repaired, and were taken with less resistance than was fit, by sir William Waller, some few days before, and before it deserved the name of a garrison;) in which were taken, besides the governor, and other officers, who yielded upon quarter, above one thousand prisoners; great store of arms, four pieces of cannon, and a good quantity of ammunition, with all which the lieutenant-general returned safe to Oxford: though this victory was a little shadowed, by the unfortunate loss of a very good regiment of horse within a few days after; for the lord Grandison, by the miscarriage of orders, was exposed, at too great a distance from the army, with his single regiment of horse consisting of three hundred, and a regiment of two hundred dragoons, to the unequal encounter of a party of the enemy of five thousand horse and dragoons; and so was himself, after a retreat made to Winchester, there taken with all his party; which was the first loss [of that kind] the king sustained; and was without the least fault of the commander; who lessened the misfortune

much by making an escape himself with two or three of his principal officers, who were very welcome to Oxford.

¹⁵⁹ The first thing the king applied himself to consult upon, after he was settled in his winter quarters, and despaired of any honest overtures for a peace, was, how to apply some antidote to that poison which was sent into Scotland in that declaration we mentioned before; the which he had not only seen, as an act communicated abroad and in many hands, but the Scottish earl of Lindsey, who was then a commissioner lieger at London for Scotland, had presented [it] to him. And there was every day some motion in the house of commons to press the Scots to invade the kingdom for their assistance, upon the growth of the earl of Newcastle's power in the north. And therefore, after full thoughts, the king writ to his privy-council of Scotland, (who, by the laws enacted when he was last there, had the absolute, indeed regal, power of that kingdom,) and took notice of that declaration, which had been sent to them, earnestly inviting, and in a manner challenging assistance from that his native kingdom of men and arms, for making a war against him, and making claim to that assistance by virtue of the late act of pacification. He told them,

¹⁶⁰ "That, as he was at his soul afflicted, that it had been in the power of any factious, ambitious, and malicious persons, so far to possess the hearts of many of his subjects of England, as to raise this miserable distemper and distraction in this kingdom against all his real endeavours and actions to the contrary; so he was glad, that that rage and fury had so far transported them, that they applied themselves in so gross a manner to his subjects of Scotland; whose experience of his religion, justice, and love of his people, would not suffer them to believe those horrid scandals laid upon his majesty: and their affection, loyalty, and jealousy of his honour would disdain to be made instruments to oppress their native sovereign by assisting an odious rebellion." He remembered them, "that he had from time to

time acquainted his subjects of that kingdom with the accidents and circumstances which had disquieted this ; how, after all the acts of justice, grace, and favour, performed on his part, which were or could be desired to make a people completely happy, he was driven, by the force and violence of rude and tumultuous assemblies, from his city of London and his houses of parliament ; how attempts had been made to impose laws upon his subjects without his consent, and contrary to the foundation and constitution of the kingdom ; how his forts, goods, and navy had been seized, and taken from him by force, and employed against him ; his revenue, and ordinary subsistence, wrested from him : how he had been pursued with scandalous and reproachful language ; bold, false, and seditious pasquils and libels publicly allowed against him ; and had been told that he might, without want of modesty and duty, be deposed : that after all this, before any force raised by him, an army was raised, and a general appointed to lead that army against his majesty, with a commission to kill, slay, and destroy all such who should be faithful to him : that when he had been by these means compelled, with the assistance of his good subjects, to raise an army for his necessary defence, he had sent divers gracious messages, earnestly desiring that the calamities and miseries of a civil war might be prevented by a treaty : and so he might know the grounds of that misunderstanding : that he was absolutely refused to be treated with, and the army, (raised, as was pretended, for the defence of his person,) brought into the field against him, gave him battle ; and, though it pleased God to give his majesty the victory, destroyed many of his good subjects, with as [im]minent danger to his own person and his children, as the skill and malice of desperate rebels could contrive.

- 161 “Of all which, and the other indignities which had been offered to him, he doubted not the duty and affection of his Scottish subjects would have so just a resentment, that they would express to the world the sense they had of his sufferings : and he hoped, his good subjects of Scotland were not so great strangers to the affairs of this kingdom, to believe that this misfortune and distraction was begot and brought upon him by his two houses of parliament ; though, in truth, no unwarrantable action against the law could be justified even by that authority ; but that they well knew how the members of both

houses had been driven thence, insomuch that, of above five hundred members of the house of commons, there were not then there above fourscore; and, of above one hundred of the house of peers, not above fifteen or sixteen; all which were so awed by a multitude of anabaptists, Brownists, and other persons, desperate, and decayed in their fortunes, in and about the city of London, that, in truth, their consultations had not the freedom and privilege which belong to parliament.

162 “Concerning any commissions granted by his majesty to papists to raise forces, he referred them to a declaration lately set forth by him upon the occasion of that scandal, which he likewise then sent them. And for his own true and zealous affection to the protestant religion, he would give no other instance than his own constant practice, on which malice itself could lay no blemish; and those many protestations he had made in the sight of Almighty God, to whom he knew he should be dearly accountable if he failed in the observation.

163 “For that scandalous imputation of his intention of bringing in foreign force, as the same was raised without the least shadow or colour of reason, and solemnly disavowed by his majesty in many of his declarations; so there could not be a clearer argument to his subjects of Scotland that he had no such thought, than that he had hitherto forborne to require the assistance of that his native kingdom; from whose obedience, duty, and affection he should confidently expect it, if he thought his own strength here too weak to preserve him; and of whose courage and loyalty he should look to make use, before he should think of any foreign aid to succour him. And he knew no reasonable or understanding man could suppose that [they were] obliged, or enabled, by the late act of parliament in both kingdoms, to obey the invitation that was made to them by that declaration, when it was so evidently provided for by that act, that as the kingdom of England should not war against the kingdom of Scotland without consent of the parliament of England, so the kingdom of Scotland should not make war against the kingdom of England without the consent of the parliament of Scotland.”

164 He told them, “if the grave counsel and advice, which they had given, and derived to the houses of parliament here, by their act of the 22d of April last, had been followed in a tender care of his royal person, and of his princely greatness and authority,

there would not that face of confusion have appeared which now threatened the kingdom; and therefore he required them to communicate what he then writ to all his subjects of that kingdom, and to use their utmost endeavours to inform them of the truth of his condition; and that they suffered not the scandals and imputations laid on his majesty by the malice and treason of some men to make any impression in the minds of his people, to the lessening or corrupting their affections and loyalty to him; but that they assured them all, that the hardness he then underwent, and the arms he had been compelled to take up, were for the defence of his person and safety of his life; for the maintenance of the true protestant religion, for the preservation of the laws, liberties, and constitution of the kingdom, and for the just privileges of parliament; and that he looked no longer for a blessing from Heaven than he endeavoured the defence and advancement of all these: and, he could not doubt, a dutiful concurrence in his subjects of Scotland, in the care of his honour and just rights, would draw down a blessing upon that nation too."

165 Though his majesty well knew all the persons to whom he directed this letter to be those who were only able and willing to do him all possible disservice, yet he was sure by other instruments, if they neglected, which for that reason they were not like to do, to publish it to the people there; which he believed might so far operate upon them, as the others would not be able to procure them to invade England; and other fruit of their allegiance he expected not, than that they should not rebel.

166 His majesty's next care was the procuring money for the payment of his army; that the narrow circuit which contained his quarters might not be so intolerably oppressed as with that whole burden. And this was a very difficult matter; for the soldiery already grew very high, and would obey no orders or rules but of their own making; and prince Rupert considered only the subsistence and advance of the horse as his province, and indeed as if it had been a province apart from the army; and

therefore would by no means endure that the great contributions, which the counties within command willingly submitted to, should be assigned to any other use than the support of the horse, and to be immediately collected and received by the officers. So that the several garrisons and all the body of foot were to be constantly paid, and his majesty's weekly expense for his house borne out of such money as could be borrowed. For of all his own revenue he had not yet the receiving a penny within his power; neither did he think fit to compel any one, even such who were known to have contributed freely to the parliament, to supply him: only by letters, and all other gentle ways, he invited those who were able, to consider how much their own security and prosperity was concerned, and depended upon the preservation of his rights; and offered to sell any of his lands, or to give any personal security for whatsoever money would be lent to him at interest: for he had directed a grant to be prepared of several parks and forests, and other crown-lands, to many persons of honour and great fortune about him, whose estates and reputation were well known; who were ready to be personally bound for whatsoever sums could be borrowed.

- 167 The affection of the university of Oxford was most eminent: for, as they had before, when the troubles first brake out, sent the king above ten thousand pounds out of the several stocks of the colleges, and the purses of particular persons, many whereof lent him all they had; so they now again made him a new present. By these means, and the loan of particular persons, especially from London, (for from thence, notwithstanding all the strict watch to the contrary, considerable sums were drawn,) the king, even above his hopes, was able to pay his foot, albeit it amounted to above three thousand pounds weekly, in such manner, that during that whole winter there was not the least disorder for want of pay. Then

he used all possible care to encourage and countenance new levies of horse and foot, for the recruiting his army against the next spring.

168 The [parliament's] army being now about London, the members of it who were members of parliament attended that council diligently, upon which the army alone depended; and though they still seemed very desirous of peace, they very solemnly and severely prosecuted all those who really endeavoured it. Their partiality and injustice was so notorious, that there was no rule or measure of right in any matter depending before them, but consideration only of the affections and opinions of the persons contending; neither could any thing be more properly said of them than what Tacitus once spake of the Jews, *apud ipsos fides obstinata, misericordia in promptu, adversus omnes alios hostile odium*. Volumes would not contain the instances. But they found their old arguments, of popery, the militia, and delinquents, for the justification of the war, grew every day of less reverence with the people; and that as the king's own religion was above any scandal they could lay upon it, so the regal power seemed so asserted by law, and the king on all occasions cited particular statutes for the vindication of his right, that whilst they confessed the sovereign power to be vested in him, all legal ministers had that dependence on him, that their authority would by degrees grow into contempt.

169 And of this disadvantage the season of the year put them in mind: for the king now, according to course, pricked sheriffs, and made such choice in all counties, that they foresaw the people were not like to be so implicitly at their disposal. Therefore, as they had before craftily insinuated the same in some particulars, they now barefaced avow, "that the sovereign power was wholly and entirely in them; and that the king himself, severed from them, had no regal power in him."

Their clergy had hitherto been their champions, and wrested the scripture to their sense; their lawyers were now to vindicate their title, and they were not more modest in applying their profession to their service. As all places of scripture, or in the fathers, which were spoken of the church of Christ, are by the papists applied to the church of Rome; so whatsoever is written in any of the books of the law, or mentioned in the records, of the authority and effects of the sovereign power, and of the dignity and jurisdiction of parliament, was by these men alleged and urged for the power of the two houses, and sometimes for the single authority of the house of commons. Being supplied with the learning of these gentlemen, they declared, that the sheriffs, then constituted by the king, were not legal sheriffs, nor ought to execute, or be submitted to in that office; and ordered whomsoever the king made sheriff in any county to be sent for as a delinquent: and because it seemed unreasonable that the counties should be without that legal minister to whom the law had intrusted its custody, it was proposed, "that they might make a new great seal, and by that authority make sheriffs, and such other officers as they should find necessary;" but for the present that motion was laid aside.

- 170 The king had appointed some of those prisoners who were taken in the battle at Keinton-field, and others apprehended in the act of rebellion, to be indicted of high treason, upon the statute of the 25th year of king Edward the Third, before the lord chief justice, and other learned judges of the law, by virtue of his majesty's commission of oyer and terminer: they declared "all such indictments, and all proceedings thereupon, to be unjust and illegal;" and inhibited the judges to proceed farther therein; declaring, (which was a stronger argument,) "that if any man were executed, or suffered hurt,

for any thing he had done by their order, the like punishment should be inflicted, by death or otherwise, upon such prisoners as were or should be taken by their forces:" and in none of these cases ever asked the judges what the law was. By the determination of the statute, and the king's refusal, which hath been mentioned before, to pass any new law to that purpose, there was no farther duty of tonnage and poundage due upon merchandise, and the statute made this very parliament involved all men in the guilt and penalty of a *præmunire* who offered to receive it. The king published a proclamation upon that statute, "and required all men to forbear paying that duty, and forbid all to receive it." They again declared, "that no person, who received those duties by virtue of their orders, was within the danger of a *præmunire*, or any other penalty whatsoever; because the intent and meaning of that penal clause was only to restrain the crown from imposing any duty or payment upon the subjects without their consent in parliament, and was not intended to extend to any case whereunto the lords and commons give their assent in parliament."

¹⁷¹ And that this sovereignty might be farther taken notice of than within the limits of this kingdom, they sent, with all formality, letters of credence, and instructions, and their agents, into foreign states and kingdoms.

¹⁷² By their agent to the United Provinces, where the queen was then residing, they had the courage in plain terms to accuse the prince of Orange

¹⁷³ "For supplying the king with arms and ammunition; for licensing divers commanders, officers, and soldiers to resort into this kingdom to his aid." They remembered them, "of the great help that they had received from this kingdom, when heretofore they lay under the heavy oppression of their princes; and how conducive the friendship of this nation had been to their present greatness and power; and therefore they could

not think that they would be forward to help to make them slaves, who had been so useful and assistant in making them free men ; or that they would forget, that their troubles and dangers issued from the same fountain with their own ; and that those who were set awork to undermine religion and liberty in the kingdom were the same who by open force did seek to bereave them of both." They told them, "it could not be unknown to that wise state, that it was the jesuitical faction in this kingdom that had corrupted the counsels of the king, the consciences of a great part of the clergy ; which sought to destroy the parliament, and had raised the rebellion in Ireland." They desired them therefore, "not to suffer any more ordnance, armour, or any other warlike provision, to be brought over to strengthen those, who, as soon as they should prevail against the parliament, would use that strength to the ruin of those from whom they had it."

- 174 They desired them, "they would not send over any of their countrymen to further their destruction who were sent to them for their preservation ; that they would not anticipate the spilling of English blood, in an unnatural civil war, which had been so cheerfully and plentifully hazarded and spent in that just and honourable war by which they had been so long preserved, and to which the blood of those persons, and many other subjects of this kingdom, was still in a manner dedicated ; but rather that they would cashier, and discard from their employment, those that would presume to come over for that purpose." They told them, "the question between his majesty and the parliament was not whether he should enjoy the same prerogative and power which had belonged to their former kings, his majesty's royal predecessors ; but whether that prerogative and power should be employed to their defence or to their ruin ; that it could not be denied by those who look indifferently on their proceedings and affairs, that it would be more honour and wealth, safety and greatness to his majesty, in concurring with his parliament, than in the course in which he now is : but so unhappy had his majesty and the kingdom been in those who had the greatest influence upon his counsels, that they looked more upon the prevailing of their own party than upon any those great advantages, both to his crown and royal person, which he might obtain by joining with his people : and so cunning were those

factors for popery, in prosecution of their own aims, that they could put on a counterfeit visage of honour, peace, and greatness, upon those courses and counsels which had no truth and reality, but of weakness, dishonour, and miseries to his majesty and the whole kingdom." They said,

- 175 "They had lately expressed their earnest inclinations to that national love and amity with the United Provinces, which had been nourished and confirmed by so many civil respects and mutual interests, as made it so natural to them, that they had, this parliament, in their humble petition, desired, that they might be joined with that state in a more near and strait league and union: and they could not but expect some returns from them of the like expressions; and that they would be [so] far from blowing the fire which began to kindle amongst them, that they would rather endeavour to quench it, by strengthening and encouraging them who had no other design but not to be destroyed, and to preserve their religion, save themselves, and the other reformed churches of Christendom, from the massacres and extirpations with which the principles of the Roman religion did threaten them all; which were begun to be acted in Ireland, and in the hopes [and] endeavours and intentions of that party had long since been executed upon them, if the mercy, favour, and blessing of Almighty God had not superabounded, and prevented the subtilty and malignity of cruel, wicked, and bloodthirsty men."

- 176 With this specious despatch, in which were many other particulars to render the king's cause ungracious, and their own very plausible, their agent, one Strickland, an obscure gentleman, was received by the States; and, notwithstanding the queen was then there, and the prince of Orange visibly inclined to assist the king with all his interests, and the interposition of the king's resident, did not only hinder the States from giving the least countenance to the king's cause, but really so corrupted the English, in the army and in the court, that there was nothing designed to advance it by the prince of Orange himself, (who with great generosity supplied the king with arms and ammunition to a very considerable value,)

or by the private activity and dexterity of particular persons, out of their own fortune, or by the sale or pawning of jewels, but intelligence was given soon enough to the parliament, either to get stops and seizures upon it, by order of the state, or to intercept the supply by their navy at sea. So that much more was in that manner and by that means taken and intercepted at sea, than ever arrived at any port within his majesty's obedience; of which at that time he had only one, the harbour of Newcastle. With the same success they sent another agent to Brussels, who prevailed with don Francisco de Melos, then governor of Flanders, to discountenance always, and sometimes [to] prevent, the preparations which were there making by the king's ministers. And in France they had another agent, one Aulgier, a man long before in the constant pay of the crown; who, though he was not received and avowed, (to put the better varnish upon their professions to the king,) by that crown, did them more service than either of the other, by how much more that people had an influence upon the distempers of the three kingdoms.

177 And as the parliament made all these addresses to foreign states and princes, which no parliament had ever done before, so it will be fit here to take notice how other princes appeared concerned on the king's behalf. The Spaniard was sufficiently incensed by the king's reception of the ambassadors of Portugal, and, which was more, entering into terms of amity and league with that crown, and had therefore contributed notable assistance to the rebellion in Ireland, and sent both arms and money thither. And since the extravagances of this parliament, the ambassador of that king had made great application to them.

178 The French, according to their nature, were much more active, and more intent upon blowing the fire. The former commotions in Scotland had been raised by the especial

encouragement, if not contrivance, of the cardinal Richelieu; who had carefully kept up and enlarged the old franchises of the Scots under that crown; which made a very specious show of wonderful grace and benefit, at a distance, to that nation, and was of little burden to the French; and, in truth, of little advantage to those who were in full possession of all [those] relations. Yet, by this means, the French have always had a very great influence upon the affections of that people, and opportunities to work great prejudice to that crown: as nothing was more visible than [that], by that cardinal's activity, all those late distempers in Scotland were carried on till his death, and, by his rules and principles, afterwards: the French ministers always making their correspondence with, and relation to those who were taken notice to be of the puritan party; which was understood to be in order only to the opposition of those counsels which should at any time be offered on the behoof of Spain.

¹⁷⁹ Since the beginning of this parliament, the French ambassador, monsieur la Ferté, dissembled not to have very notable familiarity with those who governed most in the two houses; discovered to them whatsoever he knew, or could reasonably devise to the prejudice of the king's counsels and resolutions; and took all opportunities to lessen and undervalue the king's regal power, by applying himself on public occasions of state, and in his master's name, and to improve his interest, to the two houses of parliament, (which had in no age before been ever known,) as in the business of transportation of men out of Ireland, before remembered; in which he caused, by the importunity of the two houses, his majesty's promise and engagement to the Spanish ambassador to be rendered of no effect. And, after that, he formally exhibited, in writing, a complaint to the two houses against sir Thomas Rowe, his majesty's extraordinary ambassador to the emperor and princes of Germany, upon the treaty of

an accommodation on the behalf of the prince elector and restitution of the palatinate, confidently avowing, "that sir Thomas Rowe had offered, on the king's part, to enter into a league offensive and defensive with the house of Austria, and to wed all their interests;" and in plain terms asked them "whether they had given him instructions to that purpose;" expressing a great value his master had of the affection of the parliament of England; which drew them to a return of much and unusual civility, and to assure the French king, "that sir Thomas Rowe had no such instructions from them; and that they would examine the truth of it; and would be careful that nothing should be done and perfected in that treaty which might reflect upon the good of the French king." Whereas in truth there was not the least ground or pretence for that suggestion; sir Thomas Rowe having never made any such offer, or any thing like it. And when, after his return out of Germany, he expostulated with the French ambassador for such an injurious, causeless information, he answered, "that since his master had received such advertisement, and had given him order to do what he did." So that it easily appeared, it was only a fiction of state, whereby they took occasion to publish, that they would on any occasion resort to the two houses, and thereby to flatter them in their usurpation of any sovereign authority.

180 There is not a sadder consideration (and I pray God the almighty justice be not angry with and weary of the government by kings and princes, for it is a strange declension monarchy is fallen to in the opinion of the common people within these late years) than this passion and injustice in Christian princes, that they are not so solicitous that the laws be executed, justice administered, and order preserved within their own kingdoms, as they are that all three may be disturbed and confounded

amongst their neighbours. And therefore there is no sooner a spark of dissension, a discomposure in affections, a jealousy in understandings, discerned to be [in] or to be easy to be infused into a neighbour province or kingdom, to the hazarding of the peace thereof, but they, though in league and amity, with their utmost art and industry, make it their business to kindle that spark into a flame, and to contract and ripen all unsettled humours and jealous apprehensions into a peremptory discontent, and all discontent to sedition, and all sedition to open and professed rebellion. And they have never so ample satisfaction in their own greatness, or so great a sense and value of God's blessing upon them, as when they have been instruments of drawing some notorious calamity upon their neighbours. As if the religion of princes were nothing but policy enough to make all other kingdoms but their own miserable; and that, because God hath reserved them to be tried only within his own jurisdiction, and before his own tribunal, that he means to try them too by other laws and rules than he hath published to the world for his servants to walk by. Whereas they ought to consider, that God hath placed them over his people as examples, and to give countenance to his laws by their own strict observation of them; and that as their subjects are to be defended and protected by them, so themselves are to be assisted and supported by one another; the function of kings being a classis by itself: and as a contempt and breach of every law is in the policy of states an offence against the person of the king, because there is a kind of violence offered to his person in the transgression of that rule without which he cannot govern; so the rebellion of subjects against their prince ought to be looked upon by all other kings as an assault of their own sovereignty, and a design against monarchy itself; and consequently to be suppressed and extirpated,

in what other kingdom soever it is, with the same concernment as if it were in their own bowels.

181 Besides these indirect artifices and activity in the French ambassador, the Hugonots in France (with whom this crown heretofore, it may be, kept too much correspondence) were declared enemies to the king; and, in public and in secret, gave all possible assistance to those whose business was to destroy the church. And as this animosity proved of unspeakable inconvenience and damage to the king throughout all these troubles, and of equal benefit to his enemies; so the occasion, from whence those disaffections grew, was very unskillfully and imprudently administered by the state here. Not to speak of the business of Rochelle, which, though it stuck deep in all, yet most imputed the counsels of that time to men that were dead, and not to a fixed design of the court; but they had a greater quarrel, which made them believe that their very religion was persecuted by the church of England.

182 When the reformation of religion first began in England, in the time of king Edward the Sixth, very many, out of Germany and France, left their countries, where the reformation was severely persecuted, and transplanted themselves, their families, and estates, into England, where they were received very hospitably; and that king, with great piety and policy, by several acts of state, granted them many indemnities, and the free use of churches in London for the exercise of their religion: whereby the number of them increased; and the benefit to the kingdom, by such an access of trade and improvement of manufactures, was very considerable. The which queen Elizabeth finding, and well knowing that other notable uses of them might be made, enlarged their privileges by new concessions; drawing by all means greater numbers over, and suffering them to erect churches, and to enjoy the exercise

of their religion after their own manner, and according to their own ceremonies, in all places where for the conveniency of their trade they chose to reside. And so they had churches in Norwich, Canterbury, and other places of the kingdom as well as in London, whereby the wealth of those places marvellously increased. And, besides the benefit from thence, the queen made use of them in her great transactions of state in France and the Low Countries, and by the mediation and interposition of those people kept an useful interest in that party in all the foreign dominions where they were tolerated. The same charters of liberty were continued and granted to them during the peaceable reign of king James, and in the beginning of this king's reign, although, it may be, the politic considerations in those concessions and connivances were neither made use of nor understood.

183 Some few years before these troubles, when the power of churchmen grew most transcendent, and indeed the faculties and understandings of the lay-counsellors more dull, lazy, and unactive, (for, without the last, the first could have done no hurt,) the bishops grew jealous that the countenancing another discipline of the church here, by order of the state, (for those foreign congregations were governed by a presbytery, according to the custom and constitution of those parts of which they had been natives: for the French, Dutch, and Walloons had the free use of several churches according to their own discipline,) would at least diminish the reputation and dignity of the episcopal government, and give some hope and countenance to the factious and schismatical party in England to hope for such a toleration.

184 Then there wanted not some fiery, turbulent, and contentious persons of the same congregations, who upon private differences and contests were ready to inform against their brethren, and to discover what

they thought might prove of most prejudice to them; so that, upon pretence that they far exceeded the liberties which were granted to them, and that under the notion of foreigners many English separated themselves from the church and joined themselves to those congregations, (which possibly was in part true,) the council-board connived, or interposed not, [whilst] the bishops did some acts of restraint with which that tribe grew generally discontented, and thought the liberty of their consciences to be taken from them; and so in London there was much complaining of this kind, but much more in the diocese of Norwich; where Dr. Wren, the bishop there, passionately and furiously proceeded against them: [so] that many left the kingdom, to the lessening the wealthy manufacture there of kerseys and narrow cloths, and, which was worse, transporting that mystery into foreign parts.

185 And that this might be sure to look like more than what was necessary to the civil policy of the kingdom, whereas in all former times the ambassadors, and all foreign ministers of state employed from England into any parts where the reformed religion was exercised, frequented their churches, gave all possible countenance to their profession, and held correspondence with the most active and powerful persons of that relation, and particularly the ambassadors lieger at Paris from the time of the reformation had diligently and constantly frequented the church at Charenton, and held a fair intercourse with those of that religion throughout the kingdom, by which they had still received advantage, that people being industrious and active to get into the secrets of the state, and so deriving all necessary intelligence to those whom they desired to gratify: the contrary whereof was now with great industry practised, and some advertisements, if not instructions, given to the ambassadors there, “to forbear any extraordinary

commerce with that tribe." And the lord Scudamore, who was the last ordinary ambassador there before the beginning of this parliament, whether by the inclination of his own nature or by advice from others, not only declined going to Charenton, but furnished his own chapel, in his house, with such ornaments, (as candles upon the communion-table, and the like,) as gave great offence and umbrage to those of the reformation who had not seen the like: besides that he was careful to publish upon all occasions by himself, and those who had the nearest relation to him, "that the church of England looked not on the Hugonots as a part of their communion;" which was likewise too much and too industriously discoursed at home.

186 They who committed the greatest errors this way had no doubt the least thoughts of making any alterations in the church of England, as hath been uncharitably conceived: but (having too just cause given them to dislike the passion and license that was taken by some persons in the reformed churches, under the notion of conscience and religion, to the disturbance of the peace of kingdoms) unskilfully believed, that the total declining the interest of that party, where it exceeded the necessary bounds of reformation, would make this church of England looked upon with more reverence; and that thereby the common adversary, the papist, would abate somewhat of his arrogance and superciliousness; and so all parties, piously considering the charity which religion should beget, might, if not unite, yet refrain from the bitterness and uncharitableness of contention in matters of opinion, severed from the practical duty of Christians and subjects. And so, contracting their considerations in too narrow a compass, [these men] contented themselves with their pious intentions, without duly weighing objections, or the circumstances of policy. And they who differed with

them in opinion [in this point,] though they were in the right, not giving, and, it may be, not knowing the right reasons, rather confirmed than reformed them in their inclinations: neither of them discerning the true and substantial grounds of policy upon which those conclusions had been founded which they were now about to change: and so the church of England, not giving the same countenance to those of the religion in foreign parts which it had formerly done, no sooner was discerned to be under a cloud at home, but those of the religion abroad were glad of the occasion to publish their malice against her, and to enter into the same conspiracy against the crown, without which they could have done little hurt to the church.

- ¹⁸⁷ After all discourses and motions for peace were for a time laid aside, and new thoughts of victory and utterly subduing the king's party again entertained, they found one trouble falling upon them which they had least suspected, want of money; all their vast sums collected upon any former bills passed by the king for the relief of Ireland and payment of the debt to the Scots, and all their money upon subscriptions of plate, and loans upon the public faith, which amounted to incredible proportions, were even quite wasted; and their constant expense was so great, that no ordinary supply would serve their turn; and they easily discerned, that their money only, and not their cause, procured them soldiers of all kinds; and that they could never support their power, if their power was not able to supply them. All voluntary loans were at an end, and the public faith thought a security not to be relied on; by how much greater the difficulty was, by so much the more fatal would the sinking under it prove; and therefore it was with the more vigour to be resisted. In the end, they resolved upon the full execution of their full sovereign power, and to let the people see

what they might trust to; in which it is necessary to observe the arts and degrees of their motion. They first ordered,

188 “ That committees should be named in all counties, to take care for provisions of victuals for the army, and also for the taking up of horses for service in the field, dragooners and draught horses, and for borrowing of money and plate to supply the army : and upon a certificate from these committees,” (who had power to set what value or rates they pleased upon these provisions of any kind,) “ the same should be entered with their treasurer, who should hereafter repay the same.” It was then alleged, “ that this would only draw supplies from their friends, and the well affected ; and that others, who either liked not their proceedings, or loved their money better than the liberty of their country, would not contribute.” Upon this it was ordered, that in case the owners refused to bring in money, provisions, plate, and horse, upon the public faith, for the use of the army ; for the better preventing the spoil, and embezzling of such provisions of money, plate, and horses, by the disorder of the soldiers, and that they may not come into the hands of the enemies, that the committees, or any two of them, should be authorized and enabled to send for such provisions, money, plate, and horses ; and to take the same into their custody, and to set indifferent value and rate upon them ; which value they should certify to the treasurers, for the [proportions] to be repaid at such time and in such manner as should be ordered by both houses of parliament.”

189 This was done only to shew what they meant to do over all England, and as a stock of credit to them. For at present it would neither supply their wants ; neither was it seasonable for them, or indeed possible to endeavour the execution of it in many counties. London was the place from whence only their present help must come. To them therefore they declared,

190 “ That the king’s army had made divers assessments upon several counties, and the subjects were compelled by the soldiers to pay the same ; which army, if it continued, would soon ruin and waste the whole kingdom, and overthrow religion,

law, and liberty : that there was no probable way, under God, for the suppressing that army, and other ill affected persons, but by the army raised by the authority of the parliament ; which army could not be maintained without great sums of money ; and for raising such sums there could be no act of parliament passed with his majesty's assent, albeit there was great justice that such money should be raised : that, hitherto, the army had been for the most part maintained by the voluntary contributions of well affected people, who had freely contributed according to their abilities : that there were divers others within the cities of London and Westminster, and the suburbs, that had not contributed at all towards the maintenance of that army, or if they had, yet not answerable to their estates ; who notwithstanding received benefit and protection by the same army, as well as any others ; and therefore it was most just, that they should, as well as others, be charged to contribute to the maintenance thereof."

- 191 Upon these grounds and reasons it was ordained, " by the authority of parliament, that Isaac Pennington, the then lord mayor of London, and some other aldermen and citizens, or any four of them, should have power and authority to nominate and appoint in every ward within the city of London six such persons as they should think fit, who should have power to inquire of all who had not contributed upon the propositions concerning the raising of money, plate, &c. and of such able men who had contributed, yet not according to their estates and abilities ; and those persons so substituted, or any four of them, within their several wards and limits, should have power to assess all persons of ability who had not contributed, and also those who had contributed, yet not according to their ability, to pay such sums of money, according to their estates, as the assessors, or any four of them, should think reasonable, so as the same exceeded not the twentieth part of their estates ; and to nominate fit persons for the collection thereof. And if any person so assessed should refuse to pay the money so assessed upon him, it should be lawful for the assessors and collectors to levy that sum by way of distress, and sale of the goods of persons so refusing. And if any person distrained should make resistance, it should be lawful for the assessors and collectors to call to their assistance any of the trained

bands of London, or any other his majesty's subjects; who were required to be aiding and assisting to them. And the burgesses of Westminster and Southwark, and a committee appointed to that purpose, were to do the same within those limits, as the other in London."

¹⁹² And that there might be no stratagem to avoid this tax, (so strange and unlooked for,) by a second ordinance in explanation of the former, they ordained,

¹⁹³ " That, if no sufficient distress could be found for the payment of what should be assessed, the collectors should have power to inquire of any sum of money due to those persons so assessed, from what persons soever, for rents, goods, or debts, or for any other thing or cause whatsoever. And the collectors had power to receive all such debts, until the full value of the sums so assessed, and the charges in levying or recovering the same, should be satisfied: and lest the discovery of those debts might be difficult, the same collectors had power to compound for any rents, goods, or debts, due to such persons so assessed, with any person by whom the same was due, and to give full discharges for the money so compounded for, which should be good and effectual to all purposes. And if the money assessed could not be levied by any of these ways, then the persons assessed should be imprisoned in such places of the kingdom, and for so long time, as the committee of the house of commons for examinations should appoint and order; and the families of all such persons so imprisoned should no longer remain within the cities of London or Westminster, the suburbs, or the counties adjacent. And all assessors and collectors should have the protection of both houses of parliament for their indemnity in that service, and receive allowance for their pains and charges."

¹⁹⁴ Several additional and explanatory orders they made for the better execution of this grand one, by every of which some clause of severity and monstrous irregularity was added; and, for the complement of all, they ordered that themselves, the members of either house, should not be assessed by any body.

¹⁹⁵ The truth is, the king was not sorry to see this ordi-

nance, which he thought so prodigious, that he should have been a greater gainer by it than they that made it; which he thought [was] so palpable and clear a demonstration of the tyranny the people were to live under, that they would easily have discerned the change of their condition: yet he took so much pains to awaken his subjects to a due apprehension of it, and to apply the thorough consideration of it to them, that he published a declaration upon that ordinance; the which, presenting many things to them which have since fallen out, may be in this place fit to be inserted in the king's own words, which were these:

196 “ It would not be believed, (at least great pains have been taken that it might not,) that the pretended ordinance of the militia, (the first attempt that ever was to make a law by ordinance without our consent,) or the keeping us out of Hull, and taking our arms and ammunition from us, could any way concern the interest, property, or liberty of the subject: and it was confessed, by that desperate declaration itself of the 26th of May, that if they were found guilty of that charge of destroying the title and interest of our subjects to their lands and goods, it were indeed a very great crime. But it was a strange fatal lethargy which had seized our good people, and kept them from discerning that the nobility, gentry, and commonalty of England were not only stripped of their preeminence and privileges, but of their liberties and estates, when our just rights were denied us; and that no subject could from thenceforth expect to dwell at home, when we were driven from our houses and our towns. It was not possible that a commission could be granted to the earl of Essex to raise an army against us, and, for the safety of our person and preservation of the peace of the kingdom, to pursue, kill, and slay us, and all who wish well to us, but that, in a short time, inferior commanders, by the same authority, would require our good subjects, for the maintenance of the property of the subject, to supply them with such sums of money as they think fit, upon the penalty of being plundered with all extremity of war, (as the style of sir Edward Bainton's warrant runs, against our poor subjects

in Wiltshire,) and by such rules of unlimited arbitrary power as are inconsistent with the least pretence or shadow of that property it would seem to defend.

197 “If there could be yet any understanding so unskilful and supine to believe that these disturbers of the public peace do intend any thing but a general confusion, they have brought them a sad argument to their own doors to convince them. After this ordinance and declaration, it is not in any sober man's power to believe himself to be worth any thing, or that there is such a thing as law, liberty, [or] property left in England under the jurisdiction of these men. And the same power that robs them now of the twentieth part of their estates hath by that but made a claim and entitled itself to the other nineteen, when it shall be thought fit to hasten the general ruin. Sure, if the minds of all men be not stubbornly prepared for servitude, they will look on this ordinance as the greatest prodigy of arbitrary power and tyranny that any age hath brought forth in any kingdom. Other grievances (and the greatest) have been conceived intolerable rather by the logic and consequence than by the pressure itself: this at once sweeps away all that the wisdom and justice of parliaments have provided for them. Is their property in their estates, (so carefully looked to by their ancestors, and so amply established by us against any possibility of invasion from the crown,) which makes the meanest subject as much a lord of his own as the greatest peer, to be valued, or considered? Here is a twentieth part of every man's estate, or so much as four men will please to call the twentieth part, taken away at once, and yet a power left to take a twentieth still of that which remains; and this to be levied by such circumstances of severity as no act of parliament ever consented to.

198 “Is their liberty, which distinguishes subjects from slaves, and in which this freeborn nation hath the advantage of all Christendom, dear to them? They shall not only be imprisoned in such places of this kingdom, (a latitude of judgment no court can challenge to itself in any cases,) but for so long time, as the committee of the house of commons for examination shall appoint and order: the house of commons itself having never assumed, or in the least degree pretended to, a power of judicature; having no more authority to administer an oath, the only way

to discover and find out the truth of facts, than to cut off the heads of any of our subjects: and this committee being so far from being a part of the parliament, that it is destructive to the whole, by usurping to itself all the power of king, lords, and commons. All who know any thing of parliaments know that a committee of either house ought not, by the law, to publish their own results; neither are their conclusions of any force, without the confirmation of the house, which hath the same power of controlling them as if the matter had never been debated. But that any committee should be so contracted, (as this of examination, a style no committee ever bore before this parliament,) as to exclude the members of the house, who are equally trusted by their country, from being present at the counsels, is so monstrous to the privileges of parliament, that it is no more in the power of any man to give up that freedom, than of himself to order, that, from that time, the place for which he serves shall never more send a knight or burgess to the parliament; and in truth is no less than to alter the whole frame of government, to pull up parliaments by the roots, and to commit the lives, liberties, and estates of all the people of England to the arbitrary power of a few unqualified persons, who shall dispose thereof according to their discretion, without account to any rule or authority whatsoever.

- 199 "Are their friends, their wives, and children, the greatest blessings of peace, and comforts of life, precious to them? Would their penury and imprisonment be less grievous by those cordials? They shall be divorced from them, banished, and shall no longer remain within the cities of London and Westminster, the suburbs and the counties adjacent; and how far those adjacent counties shall extend no man knows. Is there now any thing left to enjoy but the liberty to rebel and destroy one another? Are the outward blessings only of peace, property, and liberty taken and forced from our subjects? Are their consciences free and unassaulted by the violence of these firebrands? Sure the liberty and freedom of conscience cannot suffer by these men. Alas! all these punishments are imposed upon them, because they will not submit to actions contrary to their natural loyalty, to their oaths of allegiance and supremacy, and to their late voluntary protestation, which obliges them to the care of our person and our just rights.

200 “How many persons of honour, quality, and reputation, of the several counties of England, are now imprisoned, without any objections against them, but suspicion of their loyalty! How many of the gravest and most substantial citizens of London, by whom the government and discipline of that city was preserved, are disgraced, robbed, and imprisoned, without any process of law, or colour of accusation, but of obedience to the law and government of the kingdom! whilst anabaptists and Brownists, with the assistance of vicious and debauched persons of desperate fortunes, take upon them to break up and rifle houses, as public and avowed ministers of a new-invented authority. How many godly, pious, and painful divines, whose lives and learning [have] made them of reverend estimation, are now slandered with inclination to popery, discountenanced, and imprisoned, for discharging their consciences, instructing the people in the Christian duty of religion and obedience! whilst schismatical, illiterate, and scandalous preachers fill the pulpits and churches with blasphemy, irreverence, and treason; and incite their auditory to nothing but murder and rebellion.

201 “We pass over the vulgar charm by which they have captivated such who have been contented to dispense with their consciences for the preservation of their estates, and by which they persuade men cheerfully to part with this twentieth part of their estates to the good work in hand. For whosoever will give what he hath may escape robbing. They shall be repaid upon the public faith, as all other monies lent upon the propositions of both houses. It may be so. But men must be condemned to a strange unthriftiness who will lend upon such security. The public faith indeed is as great an earnest as the state can give, and engages the honour, reputation, and honesty of the nation, and is the act of the kingdom: it is the security of the king, the lords, and commons, which can never need an executor, can never die, never be bankrupt; and therefore we willingly consented to it for the indemnity of our good subjects of Scotland, (who, we hope, will not think the worse of it for being so often and so cheaply mentioned since.) But that a vote of one or both houses should be an engagement upon the public faith is as impossible as that the committee of the house of commons for examination should be the high court of parliament.

202 “ And what is or can be said, with the least shadow of reason, to justify these extravagances? We have not lately heard of the fundamental laws, which used to warrant the innovations: these need a refuge even below those foundations. They will say, they cannot manage their great undertakings without such extraordinary ways. We think so too. But that proves only, they have undertaken somewhat they ought not to undertake, not that it is lawful for them to do any thing that is convenient for those ends. We remembered them long ago, and we cannot do it too often, of that excellent speech of Mr. Pym's: *The law is that which puts a difference betwixt good and evil, betwixt just and unjust: if you take away the law, all things will be in a confusion, every man will become a law unto himself; which, in the depraved condition of human nature, must needs produce many great enormities. Lust will become a law, and envy will become a law, covetousness and ambition will become laws; and what dictates, what decision, such laws will produce, may easily be discerned: it may indeed by the sad instances over the whole kingdom.*

203 “ But will posterity believe that in the same parliament this doctrine was avowed with that acclamation, and these instances after produced? That in the same parliament such care was taken that no man should be committed in what case soever without the cause of his imprisonment expressed, and that all men should be immediately bailed in all casesailable; and, during the same parliament, that alderman Pennington, or indeed any body else but the sworn ministers of justice, should imprison whom they would, and for what they would, and for as long time as they would? That the king should be reproached with breach of privilege, for accusing sir John Hotham of high treason, when with force of arms he kept him out of Hull, and despised him to his face, because in no case a member of either house might be committed or accused without leave of that house of which he is a member; and yet that, during the same parliament, the same alderman shall commit the earl of Middlesex, a peer of the realm, and the lord Buckhurst, a member of the house of commons, to the counter, without reprehension? That to be a traitor (which is defined, and every man understands) should be no crime; and to be called *malignant*, which nobody knows the meaning of, should be ground enough for close imprisonment? That a law should be made, that whosoever should presume to

take tonnage and poundage without an act of parliament, should incur the penalty of a præmunire; and, in the same parliament, that the same imposition should be laid upon our subjects, and taken by order of both houses, without and against our consent? Lastly, that, in the same parliament, a law should be made to declare the proceedings and judgment upon ship-money to be illegal, and void; and, during that parliament, that an order of both houses shall, upon pretence of necessity, enable four men to take away the twentieth part of their estates from all their neighbours, according to their discretion?

204 “But our good subjects will no longer look upon these and the like results as upon the counsels and conclusions of both our houses of parliament; (though all the world knows, even that authority can never justify things unwarrantable by the law.) They well know how few of the persons trusted by them are trusted at their consultations, of [above] five hundred of the commons not fourscore; and of the house of peers, not a fifth part: that they who are present enjoy not the privilege and freedom of parliament, but are besieged by an army, and awed by the same tumults which drove us and their fellow members from thence, to consent to what some few seditious, schismatical persons amongst them do propose. These are the men, who, joining with the anabaptists and Brownists of London, first changed the government and discipline of that city; and now, by the pride and power of that city, would undo the kingdom: whilst their lord mayor, a person accused and known to be guilty of high treason, by a new legislative power of his own, suppresses and reviles the Book of Common Prayer, robs and imprisons whom he thinks fit; and, with the rabble of his faction, gives laws to both houses of parliament, and tells them, *They will have no accommodation*: whilst the members sent and intrusted by their countries are expelled the house, or committed, for refusing to take the oath of association to live and die with the earl of Essex, as very lately sir Sydney Mountague. These are the men who have presumed to send ambassadors, and to enter into treaties with foreign states in their own behalfs, having at this time an agent of their own with the states of Holland, to negociate for them upon private instructions: these are [the] men who, not thinking they have yet brought mischief enough unto this kingdom, at this time invite and solicit our subjects of

Scotland, to enter this land with an army against us: in a word, these are the men who have made this last devouring ordinance to take away all law, liberty, and property from our people, and have by it really acted that upon our people, which with infinite malice, and no colour or ground, was laboured to be infused into them to have been our intention by the commissions of array.

205 "We have done: What power and authority these men have, or will have, we know not: for ourself, we challenge none such. We look upon the pressures and inconveniences our good subjects bear, even by us and our army, (which the army raised by them enforced us to levy in our defence, and their refusal of all offers and desires of treaty enforceth us to keep,) with very much sadness of heart. We are so far from requiring a twentieth part of their estates, though for their own visible preservation, that, as we have already sold or pawned our own jewels, and coined our own plate, so we are willing to sell all our own lands and houses for their relief: yet we do not doubt but our good subjects will seriously consider our condition and their own duties, and think our readiness to protect them with the utmost hazard of our life deserves their readiness to assist us with some part of their fortunes; and, whilst other men give a twentieth part of their estates to enable them to forfeit the other nineteen, that they will extend themselves to us in a liberal and free proportion, for the preservation of the rest, and for the maintenance of God's true religion, the laws of the land, the liberty of the subject, and the safety and very being of parliaments and this kingdom: for if all these ever were or can be in manifest danger, it is now in this present rebellion against us.

206 "Lastly, we will and require all our loving subjects, of what degree or quality soever, as they will answer it to God, to us, and to posterity, by their oaths of allegiance and supremacy; as they would not be looked upon now, and remembered hereafter, as betrayers of the laws and liberties they were born to; that they in no degree submit to this wild pretended ordinance, and that they presume not to give any encouragement or assistance to the army now in rebellion against us; which if notwithstanding they shall do, they must expect from us the severest punish-

ment the law can inflict, and a perpetual infamy with all good men."

207 Whatsoever every man could say to another against that ordinance, and whatsoever the king said to them all against it, it did bring in a great supply of money, and gave them a stock of credit to borrow more ; so that the army was again drawn out, though but to winter quarters, twenty miles from London, and the earl of Essex fixed his head quarters at Windsor, to straiten the king's new garrison at Reading, and sent strong parties still abroad, which got as much ground as, at that time of the year, could reasonably be expected ; that is, brought those adjacent counties entirely under the obedience of the parliament, which would at least have kept themselves neutral : and still persuaded the people, "that their work was even at an end, and that the king's forces would be swallowed up in a very short time : " so that there was no day in which they did not publish themselves to have obtained some notable victory, or taken some town, when in truth either party wisely abstained from disturbing the other : yet the bulk of their supply came only from the city of London. For though their ordinances extended over the whole kingdom, yet they had power to execute them only there ; for it was not yet time to try the affections of all places within their own verge with the severe exercise of that authority.

208 And therefore divers of the wealthiest and most substantial citizens of London, observing liberty to be taken by all men to petition the houses, and the multitude of the petitioners to carry great authority with them, and from those multitudes and that authority the brand to have been laid upon the city, "of being an enemy to peace," met together, and prepared a very modest and moderate petition to the houses ; in which they desire

“that such propositions and addresses might be made by them to his majesty, that he might with his honour comply with them, and thereby a happy peace might ensue;” the which, being signed by many thousand hands, was ready to be presented, but was rejected by the house of commons, for no other reason publicly given but “that it was prepared by a multitude;” and objections were framed against the principal promoters of it upon other pretences of delinquency; that they were compelled to forsake the town, and so that party was for the present discountenanced.

99 At the same time the inhabitants of Westminster, St. Martin’s, and Covent-garden, who always underwent the imputation of being well affected to the king, prepared the like petition, and met with the same reproach, being strictly inhibited to approach the houses with more than six in company. This unequal kind of proceeding added nothing to their reputation, and they easily discerned those humours, thus obstructed, would break out the more violently: therefore they again resumed all professions of a desire of peace, and appointed a committee to prepare propositions to be sent to the king to that purpose; and because they found that would be a work of time, (for the reasons which will be anon remembered,) and that many arts were to be applied to the several affections, and to wipe out the imagination that the city desired peace upon any other terms than they did, and the disadvantages that accrued to them by such imagination, and also to stay the appetite of those who were importunate to have any advance made towards peace, having procured, by the activity of their agents and ministers, to have such a common-council chosen for the city as would undoubtedly comply with their desires and designs, they underhand directed their own mayor to engage that body in such a petition to his majesty, as, carrying the sense and reputation of the whole city,

might yet signify nothing to the prejudice of the two houses; and so a petition was framed in the[se] words:

To the king's most excellent majesty;

210 *The humble petition of the mayor, aldermen, and commons of the city of London,*

“Sheweth,

“That the petitioners, your majesty's most humble and loyal subjects, being much pierced with the long and great divisions between your majesty and both your houses of parliament, and with the sad and bloody effects thereof, both here and in Ireland, are yet more deeply wounded by the misapprehension which your majesty seemeth to entertain of the love and loyalty of this your city, as if there were some cause of fear, or suspicion of danger to your royal person, if your majesty should return hither; and that this is made the unhappy bar to that blessed reconciliation with your great and most faithful council for preventing that desolation, and destruction, which is now most apparently imminent to your majesty and all your kingdoms.

211 “For satisfaction therefore of your majesty, and clearing of the petitioners' innocency, they most humbly declare, as formerly they have done, that they are no way conscious of any disloyalty, but abhor all thoughts thereof; and that they are resolved to make good their late solemn protestation and sacred vow made to Almighty God, and with the last drop of their dearest bloods to defend and maintain the true reformed protestant religion, and, according to the duty of their allegiance, your majesty's royal person, honour, and estate, (whatsoever is maliciously and falsely suggested to your majesty to the contrary,) as well as the power and privilege of parliament, and the lawful rights and liberties of the subject: and do hereby engage themselves, their estates, and all they have, to their uttermost power, to defend and preserve your majesty and both houses of parliament from all tumults, affronts, and violence, with as much loyalty, love, and duty, as ever citizens expressed toward your majesty, or any of your royal progenitors in their greatest glory.

212 “The petitioners therefore, upon their bended knees, do most

humbly beseech your majesty to return to your parliament, (accompanied with your royal, not martial attendance,) to the end that religion, laws, and liberties may be settled and secured, and whatsoever is amiss in church and commonwealth reformed by their advice, according to the fundamental constitutions of this kingdom: and that such a peace may thereby be obtained, as shall be for the glory of God, the honour and happiness of your majesty and posterity, and welfare of all your loyal subjects; who, (the petitioners are fully assured,) whatsoever is given out to the contrary, do unanimously desire the peace herein expressed."

13 Though this petition was in effect no other than to desire the king to disband his army, and to put himself into the absolute disposal of the parliament, and therefore all wise men concluded that no great progress would be made by it towards peace; yet, (so sotted and infatuated were the people,) that, upon this very petition, they prevailed with the people to submit to another subscription for money and plate, for the necessary provision of arms, ammunition, and pay of their army, until their disbanding and return home to their several counties: that so they might not be occasioned, through want of pay, to plunder, rob, or pillage by the way homewards, after their discharge and dismissal. So that men were persuaded that this was now the last tax they should be invited to, though every one of those ordinances and declarations loaded the king with some new calumnies and reproaches, that it was plain the authors of them meant not so soon to put themselves under his subjection.

4 This petition was, about the tenth of January, 1642-3, presented to the king at Oxford, by some aldermen, and others of the common council, who were for the most part of moderate inclinations. The king considered sadly what answer to return; for, albeit it appeared that the petition had been craftily framed by those who had no thoughts of peace, and that there was no argument in it to hope any good from that people; yet there

were, to vulgar understandings, very specious and popular professions of great piety, and zeal to his service, and care of his security; and he was to be very tender in seeming to doubt the inclinations and affections of that city by whose strength alone the war was supported, and that strength procured by corrupting those affections: and therefore the king was not sorry to have this opportunity of saying somewhat, and communicating himself freely to the city, being persuaded that the ill they did proceeded rather from misinformation than any general and habitual malice in them. All his proclamations, messages, and declarations had been with so much industry suppressed there, that they were not in truth generally informed of the matter of fact and the justice of the king's cause; and therefore he was persuaded that if he enlarged himself in his answer to this petition, and exposed those few men who were most notoriously malignant against the government of the church and state and who were generally known to be so, to the knowledge of the people, that it would at least lessen their power and ability to do hurt: and so he resolved to return an answer to them in these words:

215 "That his majesty doth not entertain any misapprehension of the love and loyalty of his city of London; as he hath always expressed a singular regard and esteem of the affections of that city, and is still desirous to make it his chief place of residence, and to continue and renew many marks of his favour to it; so he believes much the better and greater part of that city is full of love, duty, and loyalty to his majesty; and that the tumults which heretofore forced his majesty, for his safety, leave that place, though they were contrived and encouraged by some principal members thereof, (who are since well known though they are above the reach of justice,) consisted of desperate persons of the suburbs and the neighbouring (who were misled too by the cunning and malice of the leaders,) than of the inhabitants of that city. He looks good subjects there as persons groaning under the same

which doth oppress his majesty, and awed by the same persons who begat those tumults, and the same army which gave battle to his majesty: and therefore, as no good subject can more desire, from his soul, a composure of the general distractions; so no good citizen can more desire the establishment of the particular peace and prosperity of that place, by his majesty's access thither, than his majesty himself doth.

216 "But his majesty desires his good subjects of London seriously to consider what confidence his majesty can have of security there, whilst the laws of the land are so notoriously despised and trampled under foot, and the wholesome government of that city, heretofore so famous over all the world, is now submitted to the arbitrary power of a few desperate persons, of no reputation, but for malice and disloyalty to him; whilst arms are taken up, not only without, but against his consent and express command, and collections publicly made, and contributions avowed, for the maintenance of the army which hath given him battle, and therein used all possible means treason and malice could suggest to them, to have taken his life from him, and to have destroyed his royal issue; whilst such of his majesty's subjects, who, out of duty and affection to his majesty, and compassion of their bleeding country, have laboured for peace, are reviled, injured, and murdered, even by the magistrates of that city, or by their directions: lastly, what hopes his majesty can have of safety there, whilst alderman Pennington, their pretended lord mayor, the principal author of those calamities which so nearly threaten the ruin of that famous city, Ven, Foulke, and Manwairing, all persons notoriously guilty of schism and high treason, commit such outrages, in oppressing, robbing, and imprisoning, according to their discretion, all such his majesty's loving subjects, whom they are pleased to suspect but for wishing well to his majesty.

217 "And his majesty would know, whether the petitioners believe, that the reviling and suppressing the Book of Common Prayer, established in this church ever since the reformation, the discountenancing and imprisoning godly, learned, and painful preachers, and the cherishing and countenancing of Brownists, anabaptists, and all manner of sectaries, be the way to defend and maintain the true reformed protestant religion? That to comply with and assist persons who have actually attempted to

kill his majesty, and to allow and favour libels, pasquils, and seditious sermons against his majesty, be to defend his royal person and honour according to the duty of their allegiance? Whether to imprison men's persons, and to plunder their houses, because they will not rebel against his majesty, nor assist those that do; whether to destroy their property by taking away the twentieth part of their estates from them, and, by the same arbitrary power, to refer to four standers-by, of their own faction, to judge what that twentieth part is, be to defend the lawful rights and liberties of the subject? And if they think these actions to be instances of either, whether they do not know the persons before named to be guilty of them all? or whether they think it possible that Almighty God can bless that city, and preserve it from destruction, whilst persons of such known guilt and wickedness are defended and justified amongst them, against the power of that law by which they can only subsist?

218 “ His majesty is so far from suffering himself to be incensed against the whole city by the actions of these ill men, though they have hitherto been so prevalent, as to make the affections of the rest of little use to him; and is so willing to be with them, and to protect them, that the trade, wealth, and glory thereof, so decayed and eclipsed by these public distractions, may again be the envy of all foreign nations, that he doth once more graciously offer his free and general pardon to all the inhabitants of that his city of London, the suburbs and city of Westminster, (except the persons formerly excepted by his majesty,) if they shall yet return to their duty, loyalty, and obedience. And if his good subjects of that his city of London shall first solemnly declare, that they will defend the known laws of the land, and will submit to and be governed by no other rule; if they shall first manifest, by defending themselves, and maintaining their own rights, liberties, and interests, and suppressing any force and violence unlawfully raised against those and his majesty, their power to defend and preserve him from all tumults, affronts, and violence: lastly, if they shall apprehend, and commit to safe custody, the persons of those four men who enrich themselves by the spoil and oppression of his loving subjects, and the ruin of the city, that his majesty may proceed against them by the course of law, as guilty of high treason; his majesty will speedily return to them

with his royal, and without his martial attendance, and will use his utmost endeavour that they may hereafter enjoy all the blessings of peace and plenty; and will no longer expect obedience from them, than he shall, with all the faculties of his soul, labour in the preserving and advancing the true reformed protestant religion, the laws of the land, the liberty and property of the subjects, and the just privileges of parliament.

219 “ If, notwithstanding all this, the art and interest of these men can prevail so far, that they involve more men in their guilt, and draw that his city to sacrifice its present happiness and future hopes to their pride, fury, and malice, his majesty shall only give them this warning: that whosoever shall henceforward take up arms without his consent, contribute any money or plate, upon what pretence of authority soever, for maintenance of the army under the command of the earl of Essex, or any other army in rebellion against him, or shall pay tonnage and poundage, till the same shall be settled by act of parliament, every such person must expect the severest punishment the law can inflict; and, in the mean time, his majesty shall seize upon any part of his estate within his power, for the relief and support of him and his army, raised and maintained for the defence of his person, the laws, and this his kingdom: and since he denies to his majesty the duty and benefit of his subjection, by giving assistance to rebels, which, by the known laws of the land, is high treason; his majesty shall likewise deny him the benefit of his protection, and shall not only signify to all his foreign ministers that such persons shall receive no advantage by being his subject, but shall, by all other ways and means, proceed against him as a public enemy to his majesty and this kingdom.

220 “ But his majesty hopes, and doubts not, but his good subjects of London will call to mind the acts of their predecessors, the duty, affection, loyalty, and merit towards their princes, the renown they have had with all posterity for, and the blessing of Heaven which always accompanied, those virtues; and will consider the perpetual scorn and infamy which unavoidably will follow them and their children, if infinitely the meaner part in quality, and much the lesser part in number, shall be able to alter the government so admirably established, destroy the trade so excellently settled, and to waste the wealth so indus-

triously gotten, of that flourishing city: and then they will easily gather up the courage and resolution to join with his majesty in defence of that religion, law, and liberty, which hitherto hath, and only can, make themselves, his majesty, and his kingdom happy.

- 221 “ For concurring with the advice of his two houses of parliament, which with reference to the commonwealth may be as well at this distance as by being at Whitehall, his majesty doubts not but his good subjects of London well know, how far, beyond the example of his predecessors, his majesty hath concurred with their advice, in passing of such laws, by which he willingly parted with many of his known rights for the benefit of his subjects; which the fundamental constitutions of this kingdom did not oblige him to consent unto; and hath used all possible means to beget a right understanding between them: and will therefore apply themselves to those who, by making just, peaceable, and honourable propositions to his majesty, can only beget that concurrence.”

- 222 This answer the king sent by a servant of his own, supposing, that if he sent it by the messengers who brought the petition, it might either be suppressed, or not communicated in that manner as he desired. Besides, the messengers themselves, after the king had caused it to be read to them, were very well contented that it should be delivered by other hands than theirs. So they promised his majesty that they would procure a common hall, (which is the most general assembly of the city, the meanest person being admitted,) to be called as soon as they returned, where his messenger might deliver it: and having been graciously used by the king and the court, after two days' stay they returned from Oxford together with the gentleman sent by his majesty. When they came to London, the contents of the answer were quickly known, though not delivered; and the two houses made an order, that the lord mayor should not call a common hall till he received farther direction from them. So that though

the gentleman sent by the king often solicited the lord mayor that he would call a common hall, at which he was to deliver a message from the king, many days passed before any orders were issued to that purpose.

223 At last a day was appointed; and at the same time a committee of the lords and commons were sent to be present, to see that it might not have such a reception as might render their interest suspected. As soon as the gentleman sent by the king had read his majesty's answer, the earl of [Manchester] told them, "of the great and high value the parliament had of the city; that they had considered of those wounding aspersions which in that answer were cast upon persons of such eminent affection in their city, and upon others, of great fidelity and trust amongst them: that they owned themselves equally interested in all things that concerned them, and would stand by them with their lives and fortunes, for the preservation of the city in general, and those persons in particular who had been faithful, and deserved well both of the parliament and kingdom. And they would pursue all means with their lives and fortunes that might be for the preservation of that city, and for the procuring of safety, happiness, and peace to the whole kingdom."

224 As soon as his lordship had finished his oration, which was received with marvellous acclamations, Mr. Pym enlarged himself upon the several parts of the king's answer, (for it was so long before it was delivered, that the printed copies from Oxford, which were printed there after the messenger was gone so long that all men concluded it was delivered, were public in all hands,) and told them the sense of the two houses of parliament upon every part of it. Amongst the rest,

225 "That the demanding the lord mayor and the other three citizens was against the privilege of parliament, (two of them

being members of the house of commons,) and most dishonourable to the city, that the lord mayor of London should be subjected to the violence of every base fellow; and that they should be commanded to deliver up their chief magistrates, and such eminent members of the city, to the king's pleasure, only because they had done their duty in adhering to the parliament for the defence of the kingdom." He told them,

226 "That, to the objection that the government of the city had been managed by a few desperate persons, and that they did exercise an arbitrary power, the two houses gave them this testimony, that they had, in most of the great occasions concerning the government of the city, followed their direction; and that direction which the parliament had given, they had executed; and they must and would maintain to be such, as stood with their honour in giving it, and the others' trust and fidelity in performing it." To the objection,

227 "That the property of the subject was destroyed, by taking away the twentieth part by an arbitrary power," he told them, "that that ordinance did not require a twentieth part, but did limit the assessors that they should not go beyond a twentieth part, and that was done by a power derived from both houses of parliament; the lords, who had an hereditary interest in making of laws in this kingdom; and the commons, who were elected and chosen to represent the whole body of the commonalty, and trusted, for the good of the people, whenever they see cause to charge the kingdom." And he said farther, that the same law which did enable the two houses of parliament to raise forces to maintain and defend the safety of religion and of the kingdom, did likewise enable them to require contributions whereby those forces might be maintained; or else it were a vain power to raise forces, if they had not a power likewise to maintain them in that service for which they were raised." He observed, "that it was reported, that the king declared that he would send some messengers to observe their carriage in the city, and what was done amongst them: the parliament had just cause to doubt, that those would be messengers of sedition and trouble, and therefore desired them to observe and find them out, that they might know who they were." He concluded with "commending unto their consideration the great danger that they were all in; and that that

danger could not be kept off, in all likelihood, but by the army that was then on foot ;” and assured them, “ that the lords and commons were so far from being frightened by any thing that was in that answer, that they had, for themselves and the members of both houses, declared a farther contribution towards the maintenance of that army ; and could not but hope and desire that the city, which had shewed so much good affection in the former necessities of the state, would be sensible of their own, and of the condition of the whole kingdom, and add to that which they had already done some farther contribution, whereby that army might be maintained for all their safeties.”

228 Whether the solemnity for the reception of this message after it was known what the contents were, and the bringing so great a guard of armed men to the place where it was to be delivered, frightened the well affected party of the city from coming thither, or frightened them, when they were there, from expressing those affections, I know not. But it is certain, these speeches and discourses were received and entertained with all imaginable applause, and [that meeting] was concluded with a general acclamation, “that they would live and die with the houses,” and other expressions of that nature. So that all thoughts of farther address, or compliance with his majesty, were [so] entirely and absolutely laid aside, that the license of seditious and treasonable discourses daily increased ; insomuch, that complaint being made to the then lord mayor, that a certain desperate person had said, “that he hoped shortly to wash his hands in the king’s blood,” that minister of justice refused to send any warrant, or to give any direction to any officer for the apprehension of him. And this was the conclusion of that petition and answer.

229 The houses now began to speak themselves of sending propositions to the king for peace. For, how great soever the compliance seemed with them from the city or the country, they well enough discerned that that compliance

was generally upon the hope and expectation that they would procure a speedy peace. And they had now procured that to pass both houses which they only wanted, the bill for the extirpation of episcopacy; in the doing whereof they used marvellous art and industry. They who every day did somewhat, how little soever then taken notice of, to make peace impossible, and resolved that no peace could be safe for them but such a one as would be unsafe for the king, well enough knew that they should never be able to hold up and carry on the war against the king in England but by the help of an army out of Scotland; which they had no hope to procure but upon the stock of alteration of the government of the church; to which that whole nation was furiously inclined. But to compass that was very difficult; very much the major part, even of those members who still continued with them, being cordially affected to the government established, at least not affected to any other. To those therefore, who were so far engaged as to desire to have it in their power to compel the king to consent to such a peace as they desired, they presented "the consequence of getting the Scots to declare for them; which would more terrify the king, and keep the northern parts in subjection, than any forces they should be able to raise: that it was impossible to draw such a declaration from them, without first declaring themselves that they would alter the government by the bishops; which that people pretended to believe the only justifiable ground to take up arms." To others, which was indeed their public, and avowed, and current argument in debates, they alleged, "that they could not expect that any peace would be effected by the king's free concurrence to any message they could send to him, but that it must arise and result from a treaty between them, upon such propositions as either party would make upon their own interest: that it could not be expected that such pro-

positions would be made on either side as would be pertinaciously insisted on by them who made them ; it being the course, in all affairs of this nature, to ask more than was expected to be consented to ; that it concerned them as much, to make demands of great moment to the king, from which they meant to recede, as others upon which they must insist : that all men knew the inclination and affection the king had to the church, and therefore if he saw that in danger he would rescue it at any price, and very probably their departing from their proposition of the church might be the most powerful argument to the king to gratify them with the militia."

- 230 By these artifices, and especially by concluding obstinately, "that no propositions should be sent to the king for peace till the bill for extirpation of bishops was passed the lords' house," (where it would never otherwise have been submitted to,) they had their desire, and about the end of January they sent the earls of Northumberland, Pembroke, Salisbury, and Holland, with eight members of the commons, to Oxford, with their petition and propositions. And here I cannot omit one stratagem, which at that time occasioned some mirth. The common people of London were persuaded, "that there was so great scarcity of victual and provisions at Oxford, and in all the king's quarters, that they were not without danger of starving ; and that, if all other ways failed, that alone would in a short time bring the king to them." To make good this report, provisions of all kinds, even to bread, were sent in waggons and on horses from London to Oxford for the supply of this committee, when, without doubt, they found as great plenty of all things where they came as they had left behind them. The petition presented to his majesty, with the propositions, [was,] in these words, at the presentation, read by the earl of Northumberland :

231 *The humble desires and propositions of the lords and commons in parliament tendered to his majesty.*

“ We your majesty’s most humble and faithful subjects, the lords and commons in parliament assembled, having in our thoughts the glory of God, your majesty’s honour, and the prosperity of your people, and being most grievously afflicted with the pressing miseries and calamities which have overwhelmed your two kingdoms of England and Ireland, since your majesty hath, by the persuasion of evil counsellors, withdrawn yourself from the parliament, raised an army against it, and by force thereof protected delinquents from the justice of it, constraining us to take arms for the defence of our religion, laws, liberties, privileges of parliament, and for the sitting of the parliament in safety ; which fears and dangers are continued and increased by the raising, drawing together, and arming of great numbers of papists, under the command of the earl of Newcastle ; likewise by making the lord Herbert of Ragland, and other known papists, commanders of great forces, whereby many grievous oppressions, rapines, and cruelties have been and are daily exercised upon the persons and estates of your people, much innocent blood hath been spilt, and the papists have attained means of attempting, with hopes of effecting, their mischievous designs of rooting out the reformed religion, and destroying the professors thereof: in the tender sense and compassion of these evils, under which your people and kingdom lie, (according to the duty which we owe to God, your majesty, and the kingdom, for which we are trusted,) do most earnestly desire that an end may be put to these great distempers and distractions, for the preventing of that desolation which doth threaten all your majesty’s dominions. And as we have rendered, and still are ready to render to your majesty, that subjection, obedience, and service which we owe unto you ; so we most humbly beseech your majesty to remove the causes of this war, and to vouchsafe us that peace and protection which we and our ancestors have formerly enjoyed under your majesty and your royal predecessors, and graciously to accept and grant these our most humble desires and propositions :

1. “ That your majesty will be pleased to disband your armies, as we likewise shall be ready to disband all those

forces which we have raised; and that you will be pleased to return to your parliament.

2. "That you will leave delinquents to a legal trial and judgment of parliament.

3. "That the papists may not only be disbanded, but disarmed according to law.

4. "That your majesty will be pleased to give your royal assent unto the bill for taking away superstitious innovations; to the bill for the utter abolishing and taking away of all archbishops, bishops, their chancellors and commissaries, deans, sub-deans, and chapters, archdeacons, canons, and prebendaries, and all chanters, chancellors, treasurers, sub-treasurers, succentors, and sacrists, and all vicars choral and choristers, old vicars and new vicars, of any cathedral or collegiate church, and all other their under-officers out of the church of England: to the bill against scandalous ministers: to the bill against pluralities: and to the bill for consultation to be had with godly, religious, and learned divines. That your majesty will be pleased to promise to pass such other good bills for settling of church-government, as, upon consultation with the assembly of the said divines, shall be resolved on by both houses of parliament, and by them presented to your majesty.

5. "That your majesty [having] expressed, in your answer to the nineteen propositions of both houses of parliament, an hearty affection and intention for the rooting out of popery out of this kingdom; and that, if both the houses of parliament can yet find a more effectual course to disable Jesuits, priests, and popish recusants, from disturbing the state, or eluding the laws, that you would willingly give your consent unto it; that you would be graciously pleased, for the better discovery and speedier conviction of recusants, that an oath may be established by act of parliament, to be administered in such manner as by both houses shall be agreed on; wherein they shall abjure and renounce the pope's supremacy, the doctrine of transubstantiation, purgatory, worshipping of the consecrated host, crucifixes, and images: and the refusing the said oath, being tendered in such manner as shall be appointed by act of parliament, shall be a sufficient conviction in law of recusancy. And that your majesty will be graciously

pleased to give your royal assent unto a bill for the education of the children of papists by protestants in the protestant religion. That, for the more effectual execution of the laws against popish recusants, your majesty will be pleased to consent to a bill for the true levying of the penalties against them; and that the same penalties may be levied, and disposed of in such manner as both houses of parliament shall agree on, so as your majesty be at no loss; and likewise to a bill, whereby the practice of papists against the state may be prevented, and the law against them duly executed.

6. "That the earl of Bristol may be removed from your majesty's councils; and that both he, and the lord Herbert, eldest son to the earl of Worcester, may likewise be restrained from coming within the verge of the court; and that they may not bear any office or have any employments concerning state or commonwealth.

7. "That your majesty will be graciously pleased by act of parliament to settle the militia both by sea and land, and for the forts and ports of the kingdom, in such a manner as shall be agreed on by both houses.

8. "That your majesty will be pleased, by your letters patents, to make sir John Brampston chief justice of your court of king's bench; William Lenthall, esquire, the now speaker of the commons' house, master of the rolls; and to continue the lord chief justice Banks chief justice of the court of common pleas; and likewise to make Mr. Sergeant Wild chief baron of your court of exchequer; and that Mr. Justice Bacon may be continued; and Mr. Sergeant Rolls and Mr. Sergeant Atkins made justices of the king's bench: that Mr. Justice Reeves and Mr. Justice Foster may be continued; and Mr. Sergeant Pheasant made one of the justices of your court of common pleas; that Mr. Sergeant Creswell, Mr. Samuel Brown, and Mr. John Puleston may be barons of the exchequer; and that all these, and all the judges of the same courts, for the time to come, may hold their places by letters patents under the great seal *quamdiu se bene gesserint*: and that the several persons not before named, that do hold any of these places before mentioned, may be removed.

9. "That all such persons as have been put out of the commissions of peace, or oyer and terminer, or from being

custodes rotulorum, since the first day of April, 1642, (other than such as were put out by desire of both or either of the houses of parliament,) may again be put into those commissions and offices; and that such persons may be put out of those commissions and offices as shall be excepted against by both houses of parliament.

10. "That your majesty will be pleased to pass the bill now presented to your majesty, to vindicate and secure the privileges of parliament from the ill consequence of the late precedent in the charge and proceeding against the lord Kimbolton, now earl of Manchester, and the five members of the house of commons.

11. "That your royal assent may be given unto such acts as shall be advised by both houses of parliament for the satisfying and paying the debts and damages wherein the two houses of parliament have engaged the public faith of the kingdom.

12. "That your majesty will be pleased, according to a gracious answer heretofore received from you, to enter into a more strict alliance with the States of the United Provinces, and other neighbour princes and states of the protestant religion, for the defence and maintenance thereof against all designs and attempts of the popish and jesuitical faction, to subvert and suppress it; whereby your subjects may hope to be free from the mischiefs which this kingdom hath endured through the power which some of that party have had in your counsels; and will be much encouraged, in a parliamentary way, for your aid and assistance in restoring your royal sister and the prince elector to those dignities and dominions which belong unto them; and relieving the other protestant princes who have suffered in the same cause.

13. "That in the general pardon, which your majesty hath been pleased to offer to your subjects, all offences and misdemeanours committed before the 10th of January, 1641, which have been or shall be questioned or proceeded against in parliament, upon complaint in the house of commons, before the 10th of January, 1643, shall be excepted; which offences and misdemeanours shall nevertheless be taken and adjudged to be fully discharged against all other inferior courts. That likewise there shall be an exception of all offences committed

by any person or persons which hath or have had any hand or practice in the rebellion of Ireland ; which hath or have given any counsel, assistance, or encouragement to the rebels there, for the maintenance of that rebellion ; as likewise an exception of William earl of Newcastle and George lord Digby.

14. “ That your majesty will be pleased to restore such members of either house of parliament to their several places of services and employment, out of which they have been put since the beginning of this parliament ; that they may receive satisfaction and reparation for those places, and for the profits which they have lost by such removals, upon the petition of both houses of parliament : and that all others may be restored to their offices and employments who have been put out of the same upon any displeasure conceived against them, for any assistance given to both houses of parliament, or obeying their commands, or forbearing to leave their attendance upon the parliament without license ; or for any other occasion, arising from these unhappy differences betwixt your majesty and both houses of parliament, upon the like petition of both houses.

“ These things being granted, and performed, as it hath always been our hearty prayer, so shall we be enabled to make it our hopeful endeavour, that your majesty and your people may enjoy the blessings of peace, truth, and justice ; the royalty and greatness of your throne may be supported by the loyal and bountiful affections of your people ; their liberties and privileges maintained by your majesty’s protection and justice ; and this public honour and happiness of your majesty and all your dominions communicated to other churches and states of your alliance, and derived to your royal posterity and the future generations of this kingdom for ever.”

²³² They who brought this petition and propositions spake to their friends at Oxford with all freedom of the persons from whom they came ; inveighed against “ their tyranny and unreasonableness,” and especially against the propositions themselves had brought ; but positively declared, “ that if the king would vouchsafe so gracious an answer

(which they confessed they had no reason to expect) as might engage the two houses in a treaty, it would not be then in the power of the violent party to deny whatsoever his majesty could reasonably desire." However (though the king expected little from those private undertakings, well knowing that they who wished best were of least power, and that the greatest amongst them as soon as they were but suspected to incline to peace immediately lost their reputation) his majesty, within two days, graciously dismissed those messengers with this answer :

- 233 " If his majesty had not given up all the faculties of his soul to an earnest endeavour of peace and reconciliation with his people ; or if he would suffer himself, by any provocation, to be drawn to a sharpness of language, at a time when there seems somewhat like an overture of accommodation, he could not but resent the heavy charges upon him in the preamble of these propositions ; would not suffer himself to be reproached with protecting of delinquents, by force, from justice, (his majesty's desire having always been, that all men should be tried by the known law, and having been refused it,) with raising an army against his parliament, and to be told that arms have been taken up against him for the defence of religion, laws, liberties, [and] privileges of parliament, and for the sitting of the parliament in safety, with many other particulars in that preamble so often and so fully answered by his majesty, without remembering the world of the time and circumstances of raising those arms against him ; when his majesty was so far from being in a condition to invade other men's rights, that he was not able to maintain and defend his own from violence ; and without telling his good subjects, that their religion, (the true protestant religion, in which his majesty was born, hath faithfully lived, and to which he will die a willing sacrifice,) their laws, liberties, privileges, and safety of parliament, were so amply settled and established, or offered to be so by his majesty, before any army was raised against him, and long before any raised by him for his defence, that if nothing had been desired but that peace and protection which his subjects and their ancestors had in the

best times enjoyed under his majesty or his royal predecessors, this misunderstanding and distance between his majesty and his people, and this general misery and distraction upon the face of the whole kingdom, had not been now the discourse of all Christendom.

234 “But his majesty will forbear any expressions of bitterness, or of a sense of his own sufferings, that, if it be possible, the memory thereof may be lost to the world. And therefore, though many of the propositions presented to his majesty by both houses appear to him very derogatory from and destructive to his just power and prerogative, and no way beneficial to his subjects, few of them being already due to them by the laws established, (and how unparliamentary it is by arms to require new laws all the world may judge,) yet (because these may be waved or mollified, and many things that are now dark and doubtful in them cleared and explained upon debate) his majesty is pleased, such is his sense of the miseries this kingdom suffers by this unnatural war, and his earnest desire to remove them by an happy peace, that a speedy time and place be agreed upon for the meeting of such persons as his majesty and both houses shall appoint to discuss these propositions, and such others here following as his majesty doth propose to them :

1. “That his majesty's own revenue, magazine, towns, forts, and ships, which have been taken or kept from him by force, be forthwith restored unto him.

2. “That whatsoever hath been done or published contrary to the known laws of the land, or derogatory to his majesty's legal and known power and rights, be renounced and recalled, that no seed may remain for the like to spring out of for the future.

3. “That whatsoever illegal power hath been claimed and exercised by or over his subjects, as imprisoning their persons without law, stopping their *Habeas Corpus's*, and imposing upon their estates without act of parliament, &c. either by both or either house, or any committee of both or either, or by any persons appointed by any of them, be disclaimed ; and all such persons so committed forthwith discharged.

4. “That [as] his majesty will readily consent (having done so heretofore) to the execution of all laws already made, and to any good acts to be made for the suppressing of popery,

and for the firm settling of the protestant religion now established by law ; so he desires, that a good bill may be framed for the better preserving the Book of Common Prayer from the scorn and violence of Brownists, anabaptists, and other sectaries, with such clauses for the ease of tender consciences, as his majesty hath formerly offered.

5. " That all such persons as upon the treaty shall be excepted out of the general pardon shall be tried *per pares*, according to the usual course, and known laws of the land ; and that it be left to that, either to acquit or condemn them.

6. " And, to the intent this treaty may not suffer interruption by any intervening accidents, that a cessation of arms, and free trade for all his majesty's subjects, may be first agreed upon.

" This offer and desire of his majesty, he hopes, will be so cheerfully entertained, that a speedy and blessed peace may be accomplished. If it shall be rejected, or, by insisting upon unreasonable circumstances, be made impossible, (which, he hopes, God in his mercy to this nation will not suffer,) the guilt of the blood which will be shed, and the desolation which must follow, will lie upon the heads of the refusers. However, his majesty is resolved, through what accidents soever he shall be compelled to recover his rights, and with what prosperous success soever it shall please God to bless him, that by his earnest constant endeavours to propagate and promote the true protestant religion, and by his governing according to the known laws of the land, and upholding the just privileges of parliament, according to his frequent protestations made before Almighty God, (which he will always inviolably observe,) the world shall see that he hath undergone all these difficulties and hazards for the defence and maintenance of those, the zealous preservation of which, his majesty well knows, is the only foundation and means for the true happiness of him and his people."

235 Whilst these overtures and discourses were made of peace, the kingdom in all parts felt the sad effects of war ; neither the king nor the parliament using any slackness in pursuing their business by the sword ; and the persons of honour and quality in most counties more vigorously declaring themselves than they had done.

Amongst the rest, upon the king's retreat from Brentford, whilst he yet stayed about Reading, some of the well affected gentry of Sussex, upon the confidence of their interest in those parts, offered the king to raise forces there; and presumed they should be able to seize some place of security and importance for their retreat, if the enemy should attempt upon them; which at that time of the year was not conceived could be with any notable success. And being armed with such authority and commissions as they desired, and seconded with a good number of considerable officers, their first success was answerable to their own hopes, and they possessed themselves, partly by force and partly by stratagem, of the city of Chichester; which, being encompassed with a very good old wall, was very easy to be so fortified, that, with the winter, they might well think themselves secure against any forcible attempt could be made upon them. And no doubt they had been so, if the common people of the county (out of which their soldiers were to rise) had been so well affected as was believed.

236 But before they could draw in men or provisions into the city the earl of Essex sent sir William Waller, with horse, foot, and cannon, to infest them; who, with the assistance of the country, quickly shut them up within their walls. They within the town were easily reduced to straits they could not contend with; for, besides the enemy without, against which the walls and the weather seemed of equal power, and the small stock of provisions which in so short time they were able to draw thither, they had cause to apprehend their friends would be weary before their enemies; and that the citizens would not prove a trusty part of the garrison; and their number of common men was so small, that the constant duty was performed by the officers and gentlemen of quality, who were absolutely tired out. So that, after a week or ten days' siege, they were compelled, upon no better articles

than quarter, to deliver that city, which could hardly have been taken from them; by which (with the loss of fifty or threescore gentlemen of quality, and officers of name, whose very good reputation made the loss appear a matter of absolute and unavoidable necessity) the king found that he was not to venture to plant garrisons so far from his own quarters, where he could not in reasonable time administer succour or supply.

²³⁷ This triumph of the enemy was shortly after abated, and the loss on the king's part repaired, by the winning of Cirencester, a good town in Gloucestershire, which the rebels were fortifying, and had in it a very strong garrison; which being upon the edge of Wiltshire, Berkshire, and Oxfordshire, shrewdly straitened the king's quarters. The marquis of Hertford, bringing with him out of Wales near two thousand foot and one regiment of horse, intended, with the assistance of prince Rupert, who appointed to join with him with some regiments from Oxford, to take in that town; but by the extreme foulness of the ways, the great fall of rain at that time, (being about Christmas,) and some mistake in orders between the two generals, that design was disappointed; and the alarum gave the enemy so much the more courage and diligence to provide for an assault.

²³⁸ In the beginning of February prince Rupert went upon the same design with better success; and at one and the same time storming the town in several places, their works not being yet finished, though pertinaciously enough defended entered their line with some loss of men, and many hurt, but with a far greater of the enemy; for there were not so few as two hundred killed upon the place, and above one thousand taken prisoners, whereof Warneford and Fettyplace, (two gentlemen of good quality and fortune near that town, and very active in the service,) [Mr.] George, a member of parliament who served for that borough, and two or three Scotch

officers of the field, whereof Carr the governor was one, were the chief. The town yielded much plunder, from which the undistinguishing soldier could not be kept, but was equally injurious to friend and foe; so that many honest men, who were imprisoned by the rebels for not concurring with them, found themselves at liberty and undone together: amongst whom John Plot, a lawyer of very good reputation, was one; who, being freed from the hard and barbarous imprisonment in which he had been kept, when he returned to his own house found it full of soldiers, and twelve hundred pounds in money taken from thence, which could never be recovered. The prince left a strong garrison there, which brought almost that whole county into contribution, [and] which was a great enlargement to the king's quarters, which now, without interruption, extended from Oxford to Worcester; which important city, with the other of Hereford, and those counties, had some time before been quitted by the rebels; the earl of Stamford, who was left in those parts by the earl of Essex, being called from thence, by the growth of the king's party in Cornwall, to the securing the west.

- 239 We remembered before, when the marquis of Hertford transported himself and his few foot into Wales from Minhead, that sir Ralph Hopton, and the other gentlemen, mentioned before, with their small force, consisting of about one hundred horse and fifty dragoons, retired into Cornwall, neglected by the earl of Bedford, as fit and easy to be suppressed by the committees. And, in truth, the committees were entirely possessed of Devonshire, and thought themselves equally sure of Cornwall, save that the castle of Pendennis was in the custody of one they had no hope of. They were welcomed into Cornwall by sir Bevil Greenvil, who marched with them towards the west of that county, as being best affected, where they might have leisure

to refresh their wearied and almost tired horse and men, and to call the well disposed gentry together ; for which they chose Truro as the fittest place, the east part of the county being possessed by sir Alexander Carew and sir Richard Buller, two members of the house of commons, and active men for the settling the militia. There was in this county, as throughout the whole kingdom, a wonderful and superstitious reverence towards the name of a parliament, and a prejudice to the power of the court ; yet a full submission, and love of the established government of church and state, especially to that part of the church as concerned the liturgy, or Book of Common Prayer, which was a most general object of veneration with the people. And the jealousy and apprehension that the other party intended to alter it was a principal advancement of the king's service. Though the major and most considerable part of the gentry and men of estate were heartily for the king, many of them being of the house of commons, and so having seen and observed by what spirit the distemper was begot and carried on ; yet there were others of name, fortune, and reputation with the people, very solicitous for the parliament, and more active than the other. There was a third sort (for a party they cannot be called) greater than either of the other, both in fortune and number, who, though they were satisfied in their consciences of the justice of the king's cause, had yet so great a dread of the power of the parliament, that they sat still as neuters, assisting neither. So that they who did boldly appear, and declare for the king, were compelled to proceed with all wariness and circumspection ; by the known and well understood rules of the law and justice ; and durst not oppose the most extravagant act of the other side but with all the formality that was used in full peace : which must be an answer to all those oversights and omissions which

posterity will be apt to impute to the king in the morning of these distractions.

240 The committee of the parliament, who were entirely possessed of Devonshire, and believed themselves masters of Cornwall, drew their forces of the country to Launceston, to be sure that sir Ralph Hopton and his adherents (whose power they thought contemptible) might not escape out of their hands. This was before the battle of Edge-hill, when the king was at lowest, and when the authority of parliament found little opposition in any place. The quarter sessions came, where they caused a presentment to be drawn, in form of law, "against divers men unknown, who were lately come armed into that county *contra pacem* &c." Though none were named, all understood who were meant; and therefore sir Ralph Hopton, who well understood those proceedings, voluntarily appeared; took notice of the presentment, and produced the commission granted by the king under the great seal of England to the marquis of Hertford, by which he was constituted general of the west; and a commission from his lordship to sir Ralph Hopton of lieutenant general of the horse; and told them, "he was sent to assist them in the defence of their liberties against all illegal taxes and impositions." Hereupon, after a full and solemn debate, the jury, which consisted of gentlemen of good quality and fortunes in the county, not only acquitted sir Ralph Hopton, and all the other gentlemen his companions, of any disturbance of the peace; but declared, "that it was a great favour and justice of his majesty to send down aid to them who were already marked out to destruction; and that they thought it the duty of every good subject, as well in loyalty to the king as in gratitude to those gentlemen, to join with them with any hazard of life and fortune."

241 As this full vindication was thus gotten on the

king's part, so an indictment was preferred against sir Alexander Carew, sir Richard Buller, and the rest of the committee, "for a rout and unlawful assembly at Launceston; and for riots and misdemeanours committed against many of the king's good subjects in taking their liberties from them;" (for they had intercepted and apprehended divers messengers, and others of the king's party, and employed by them.) This indictment and information was found by the grand jury, and thereupon, according to a statute in that case provided, an order of sessions was granted to the high sheriff, a person well affected to the king's service, "to raise the *posse comitatus*, for the dispersing that unlawful assembly at Launceston, and for the apprehension of the rioters." This was the rise and foundation of all the great service that was after performed in Cornwall, by which the whole west was reduced to the king. For by this means there were immediately drawn together a body of three thousand foot, well armed; which by no other means that could have been used could have been done: with which sir Ralph Hopton, whom they all willingly obeyed, advanced towards Launceston, where the committee had fortified, and from thence had sent messages of great contempt upon the proceedings of the sessions; for, besides their confidence in their own Cornish strength, they had a good body of horse to second them upon all occasions in the confines of Devon.

242 Sir George Chudleigh, a gentleman of good fortune and reputation in that county and very active for the militia, being then at Tavistock with five or six full troops of horse, raised in that county to go to the[ir] army, but detained till Cornwall could be settled; and upon the news of sir Ralph Hopton's advancing, these drew to Litton, a village in Devonshire, but within three miles of Launceston. Sir Ralph Hopton marched within two miles of the town, where he refreshed his men,

intending, the next morning early, to fall on the town: but sir Richard Buller and his confederates, not daring to abide the storm, in great disorder quitted the town that night, and drew into Devonshire, and so towards Plymouth; so that in the morning sir Ralph Hopton found the gates of Launceston open, and entered without resistance. As the submission to and reverence of the known practised laws had by the sheriff's authority raised this army within very few days, so the extreme superstition to it as soon dissolved it. For when all the persons of honour and quality, who well knew the desperate formed designs of the other party, earnestly pressed the pursuing the disheartened and dismayed rebels into Devon, by which they should quickly increase their numbers, by joining with the well affected in that large and populous county who were yet awed into silence; it was powerfully objected, "that the sheriff, by whose legal authority only that force was drawn together, might not lawfully march out of his own county; and that it was the principal privilege of the trained bands, that they might not be compelled to march farther than the limits of their shire."

- 243 How grievous and inconvenient soever this doctrine was discerned to be, yet no man durst presume so far upon the temper of that people as to object policy or necessity to their notions of law. And therefore, concealing as much as was possible the true reasons they pretended their not following the enemy proceeded from apprehension of their strength, by joining with sir George Chudleigh, and of want of ammunition, (either of which were not unreasonable,) and so marched to Saltash, a town in Cornwall upon an arm of the sea; which only divided it from Plymouth and Devon, where was a garrison of two hundred Scots; who, upon the approach of sir Ralph Hopton, as kindly quit Saltash as the others had Launceston before. So that being now

entirely masters of Cornwall, they fairly dismissed those who could not be long kept together, and retired with their own handful of horse and dragoons till a new provocation from the enemy should put fresh vigour into that county.

244 In the mean time, considering the casualty of those trained bands, and that strength which on a sudden could be raised by the *posse comitatus*, which, though it made a gallant show in Cornwall, they easily saw would be of no use towards the quenching the general rebellion over England, they entered upon thoughts of raising voluntary regiments of foot; which could be only done by the gentlemen of that country amongst their neighbours and tenants who depended on them. Sir Bevil Greenvil, (the generally most loved man of that county,) sir Nicholas Slanning, the gallant governor of Pendennis castle, John Arundel, and John Trevannion, two young men of excellent hopes, and heirs to great fortunes in that country, (all four of them members of the house of commons, and so better informed and acquainted with the desperate humours of the adverse party,) undertook the raising regiments of volunteers; many young gentlemen of the most considerable families of the county assisting them as inferior officers. So that, within a shorter time than could be expected, from one single small county there was a body of foot, of near fifteen hundred, raised, armed, and well disciplined for action. But there was then an accident that might have discomposed a people which had not been very well prepared to perform their duties.

245 The lord Mohun (who had departed from York from the king with all professions of zeal and activity in his service) had, from the time of the first motion in Cornwall, forborne to join himself to the king's party; staying at home at his own house, and imparting himself equally to all men of several constitutions, as if he had

not been yet sufficiently informed which party to adhere to. But after all the adverse party was driven out of Cornwall, and the fame of the king's marching in the head of an army, and having fought the battle at Edgehill, (the event whereof was variously reported,) without acquainting any body with his intention, he took a journey towards London at the time when the king marched that way, and presented himself to his majesty at Brentford, as sent from sir Ralph Hopton and the rest of those gentlemen engaged in Cornwall; though many men believed that his purpose was in truth for London, if he had not then found the king's condition better than it was generally believed. Upon his lordship's information of the state of those western parts, and upon a supposition that he spake the sense and desires of those from whom he pretended to come, the king granted a commission jointly to his lordship, sir Ralph Hopton, sir John Berkley, and colonel Ashburnham, to govern those forces in the absence of the lord marquis of Hertford; with which he returned into Cornwall, and immediately raised a regiment of foot; behaving himself as actively, and being every way as forward in the advancing the great business, as any man; so that men imputed his former reservedness only to his not being satisfied in a condition of command.

²⁴⁶ On the other side, they who were concerned in that alteration were not at all well contented. For before, those gentlemen of Cornwall upon whose interest and activity the work depended had with great readiness complied with the other, both out of great value of their persons, with whom they had good familiarity and friendship, and in respect of their authority and commissions, with which they came qualified in that county: for, as was remembered before, sir Ralph Hopton had a commission from the marquis of Hertford to be lieutenant general of the horse; sir John Berkley, to be commissary

general; and colonel Ashburnham, to be major general of the foot; so that there was no dispute of commands. But now, the lord Mohun's coming into an equal command with any, and superior to those who thought their reputation and interest to be superior to his, (for he had not the good fortune to be very gracious in his own country,) and this by his own solicitation and interposition, gave them some indignation. However, their public-heartedness and joint concernment in the good cause so totally suppressed all animosities, or indeed indispositions, that a greater concurrence could not be desired in whatsoever could contribute to the work in hand; so that they not only preserved Cornwall entire, but made bold incursions into Devon, even to the walls of Plymouth and Exeter; though the season of the year, being the deep winter, and the want of ammunition, forced them to retire into Cornwall.

- 247 The reputation of their being masters of that one county, and the apprehension of what they might be shortly able to do, [made] the parliament think it time to take more care for their suppression. And therefore they sent their whole forces out of Dorset and Somerset, to join with those of Devon, to make an entire conquest of Cornwall. With these, Ruthen (a Scotchman, then governor of Plymouth) advanced into Cornwall, by a bridge over the Tamar, six miles above Saltash, (where he had before endeavoured to force his passage by water, but had been beaten off with loss,) having mastered the guard there; the earl of Stamford following him, two or three days' march behind, with a new supply of horse and foot; albeit those the Scotchman had with him were much superior to those of the king's; which, upon this sudden invasion, were forced to retire with their whole strength to Bodmin; whither, foreseeing this storm some few days before it came, they had again summoned the *posse comitatus*, which appeared in considerable numbers.

248 They had scarce refreshed themselves there, and put their men in order, when Ruthen, with his horse, foot, and cannon, was advanced to Liskard, within seven miles of Bodmin; from whence they moved towards the enemy with all alacrity, knowing how necessary it was for them to fight before the earl of Stamford, who was at that time come to Launceston with a strong party of horse and foot, should be able to join with the rebels. And as this consideration was of importance to hasten the one, so it prevailed with the other party too; for Ruthen, apprehending that his victory, of which he made no question, would be clouded by the presence of the earl of Stamford, who had the chief command, resolved to despatch the business before he came. And so sir Ralph Hopton (to whom the other commissioners, who had a joint authority with him, willingly devolved the sole command for that day, lest confusion of orders might beget distraction) was no sooner known to be drawing towards him, (to whom a present battle was so necessary, that it was resolved, upon all disadvantages, to have fallen on the enemy in the town rather than not fight,) but Ruthen likewise drew out his forces, and, choosing his ground upon the east side of Bradock-Down near Liskard, stood in battalia to expect the enemy: sir Ralph Hopton, having likewise put his men in order, caused public prayers to be said in the head of every squadron, (which the rebels observing, told their fellows "they were at mass," to stir up their courages in the cause of religion,) and having winged his foot with his horse and dragoons, he advanced within musket-shot of the enemy, who stood without any motion. Then perceiving that their cannon were not yet come up from the town, he caused two small iron minion drakes (all the artillery they had) to be drawn, under the cover of little parties of horse, to a convenient distance from the body of the enemies; and after two shots of those drakes, (which being not dis-

cerned, and doing some execution, struck a great terror into them,) advanced with his body upon them, and with very easy contention beat them off their ground, they having lined the hedges behind them with their reserve, by which they thought securely to make their retreat into the town. But the Cornish so briskly bestirred themselves, and pressed them so hard on every side, being indeed excellent at hedge-work, and that kind of fight, that they quickly won that ground too, and put their whole army in a rout, and had the full execution of them as far as they would pursue. But after that advantage they were always more sparing than is usually known in civil wars, shedding very little blood after resistance was given over, and having a very noble and Christian sense of the lives of their brethren: insomuch as the common men, when they have been pressed by some fiercer officer to follow the execution, have answered, "they could not find in their hearts to hurt men who had nothing in their hands."

249 In this battle, without the loss of any officer of name, and very few common men, they took twelve hundred and fifty prisoners, most of their colours, all their cannon, being four brass guns, (whereof two were twelve pounders,) and one iron saker, all their ammunition, and most of their arms. Ruthen himself, with those few who could keep pace with him, fled to Saltash; which he thought to fortify, and by the neighbourhood of Plymouth, and assistance of the shipping, to defend; and thereby still to have an influence upon a good part of Cornwall. The earl of Stamford, receiving quick advertisement of this defeat, in great disorder retired to Tavistock, to preserve the utmost parts of Devon from incursions. Hereupon, after a solemn thanksgiving to God for this great victory, (which was about the middle of January,) and a little refreshing their men at Liskard, the king's forces divided themselves; sir John Berkley and colonel Ashburnham,

with sir Bevil Greenvil, sir Nicholas Slanning's and colonel Trevannion's voluntary regiments, and such a party of horse and dragoons as could be spared, advanced to Tavistock to visit the earl of Stamford; the lord Mohun and sir Ralph Hopton, with the lord Mohun's and colonel Godolphin's voluntary regiments, and some of the trained bands, marched towards Saltash, to dislodge Ruthen; who in three days (for there was no more between his defeat at Bradock-Down and his visitation at Saltash) had cast up such works, and planted such store of cannon upon the narrow avenues, that he thought himself able, with the help of a goodly ship of four hundred tons, in which were sixteen pieces of cannon, which he had brought up the river to the very side of the town, to defend that place against any strength was like to be brought against him. But he quickly found that the same spirit possessed his enemies that drove him from Liskard, and the same that possessed his own men when they fled from thence; for as soon as the Cornish came up, they fell upon his works, and in a short time beat him out of them, and then out of the town, with a good execution upon them, many being killed, and more drowned; Ruthen himself hardly getting into a boat, by which he got into Plymouth, leaving all his ordnance behind him, which, together with the ship, and sevenscore prisoners, and all their colours, which had been saved at Liskard, were taken by the conquerors, who were now again entire masters of Cornwall.

250 The earl of Stamford had not the same patience to abide the other party at Tavistock, but, before their approach, quitted the town; some of his forces making haste into Plymouth, and the rest retiring into Exeter. And so, though the old superstition of not going out of the county again disbanded the trained bands, the Cornish with all their voluntary forces drew into Devon, and fixed quarters within less than a mile of Plymouth, and kept

guards even within musket-shot of their line. Sir John Berkley in the mean time, with a good party volant of horse and dragoons, with great diligence and gallantry visiting all places in Devon, where their people were gathered together, and dissolving them, took many prisoners of name; and so kept James Chudleigh, the major general of the parliament forces, from raising a body there; which he industriously intended.

251 In these necessary and brisk expeditions [in] falling upon Chagford (a little town in the south of Devon) before day, the king lost Sidney Godolphin, a young gentleman of incomparable parts; who, being of a constitution and education more delicate, and unacquainted with contentions, upon his observation of the wickedness of those men in the house of commons of which he was a member, out of the pure indignation of his soul and conscience to his country, had with the first engaged himself with that party in the west: and though he thought not fit to take command in a profession he had not willingly chosen, yet as his advice was of great authority with all the commanders, being always one in the council of war, and whose notable abilities they had still use of in their civil transactions, so he exposed his person to all action, travail, and hazard; and by too forward engaging himself in this last received a mortal shot by a musket a little above the knee, of which he died in the instant; leaving the ignominy of his death upon a place which could never otherwise have had a mention to the world.

252 After this, which happened about the end of January, in respect of the season of the year and their want of ammunition, finding that they could make no impression upon the strong holds of the enemy, they retired with their whole forces to Tavistock; where they refreshed and rested themselves many days, being willing to ease their fast friends of Cornwall as much as was possible

from the trouble and charge of their little army. The difficulties they were entangled with were very prodigious; of which one was, that the west was so entirely possessed by the enemy, that they could have no correspondence, or receive any intelligence from the king, not one messenger in ten arriving at his journey's end. Then, though the justice and piety of the cause added much power to particular persons in raising an army, yet the money that was raised for the maintenance and payment of that army was entirely upon the reputation, credit, and interest of particular men: and how long that spring would supply those streams the most sanguine amongst them could not presume; but the want of ammunition troubled them most of all: they had yet had none but what had been taken out of the low store of Pendennis castle, and what they had won from the enemy; the first wanted a supply for its own provision, but which way to procure that supply they could not imagine; and the fear and apprehension of such straits, against which no probable hope occurs, is more grievous and insupportable than any present want.

²⁵³ In this instant, as if sent by Providence, an opportunity found them they had scarce courage to hope for: captain Carteret, the controller of the king's navy, having in the beginning of the troubles, after he had refused to have command in their fleets, without noise withdrawn himself and his family out of England to Jersey, and being there impatient, to be quiet whilst his master was in the field, he transported himself into Cornwall with a purpose to raise a troop of horse and to engage in that service: when he came thither, he was unanimously importuned by the commanders, after they had acquainted him with their hopeless and desperate want of powder, to assist them in that manner that the many good ports in their power might be made of some use to them in the supply of powder: whereupon he shortly returned into France;

and first upon his own credit, and then upon return of such commodities out of Cornwall as they could well spare, he supplied them with so great proportions of all kinds of ammunition, that they never found want after.

²⁵⁴ In the mean time, when they were clouded with that want at Tavistock, some gentlemen of Cornwall who adhered to the rebels, and were thereby dispossessed of their county, made some overtures, "that a treaty might be entered into, whereby the peace of those two counties of Cornwall and Devon might be settled, and the war be removed into other parts." They who had most experience of the humours and dispositions of the factious party easily concluded the little hope of peace by such a treaty; yet the proposition was so specious and popular, that there was no rejecting it; and therefore they agreed to a meeting between persons chosen of either side; and the earl of Stamford himself seemed so ingenuous, that, at the very first meeting, to shew their clear intentions, it was mutually agreed, that every person employed and trusted in the treaty should first make a protestation in these words:

²⁵⁵ "I do solemnly vow and protest, in the presence of Almighty God, that I do not only come a commissioner to this treaty with an hearty and fervent desire of concluding an honourable and firm peace between the two counties of Cornwall and Devon, but also will, to the utmost of my power, prosecute and really endeavour to accomplish and effect the same, by all lawful ways and means I possibly can; first by maintaining the protestant religion established by law in the church of England, the just rights and prerogative of our sovereign lord the king, the just privileges and freedom of parliaments; together with the just rights and liberty of the subject; and that I am without any intention (by fomenting this unnatural war) to gain, or hope to advantage myself with the real or personal estate of any person whatsoever, or obtaining any office, command, title of honour, benefit, or reward, either from the king's majesty, or either or

both houses of parliament now assembled. And this I take, in the presence of Almighty God, and as I shall answer the same at his tribunal, according to the literal sense and meaning of the foregoing words, without any equivocation, mental reservation, or other evasion whatsoever. So help me God.”

256 The taking this protestation with that solemnity, and the blessed sacrament thereupon, made even those who before expected little fruit from the treaty believe, that men, being so engaged, would not be liable to those passions and affections which usually transported that party; and so to hope that some good might proceed from it: and therefore the king's party were easily induced to retire with their forces into Cornwall; and thereupon a truce and cessation was agreed upon, that the treaty might proceed without interruption. In which treaty, the same continuing beyond the expiration of this present year 1642, we shall for the present leave them, that we may take a short survey of the northern parts, and remember by what degrees they came to feel the calamities, and to bear their burden in the civil war.

257 When the king left Yorkshire, he appointed sir Thomas Glemham, at the desire of the gentlemen of that county, as was before remembered, to stay in York, to order and command those forces which they should find necessary to raise to defend themselves from the excursions of Hull, whence young Hotham infested the country more than his father; who was willing enough to sit still in his garrison, [where] he believed he could make advantage upon the success of either party: and they who were most inclined to the parliament (whereof the lord Fairfax and his son were the chief; from whom the king was so far from expecting any notable mischief, that he left them all at their own houses when he went thence; and might, if he had thought it requisite, have carried them away prisoners with him) were rather de-

sirous to look on, than engage themselves in the war; presuming that one battle would determine all disputes, and the party which prevailed in that would find a general submission throughout the kingdom. And truly, I believe, there was scarce one conclusion that hath contributed more to the continuance and length of the war than that general[ly] received opinion in the beginning, that it would be quickly at an end. Hereupon, there being but one visible difference like to beget distractions in the country, which was about the militia, the king appointing it to be governed and disposed by the commission of array, and the parliament by its ordinance; for the composing whereof, the gentlemen of the several opinions proposed, between themselves, "that neither the one nor the other should be meddled with; but that all should be contented to sit still, without engagement to either party." This seemed very reasonable to the parliament party, who were rather carried away with an implicit reverence to the name of a parliament (the fatal disease of the whole kingdom) than really transported with the passion and design of the furious part of it; and who plainly discerned, that by much the greatest part of the persons of honour, quality, and interest in the county would cordially oppose their proceedings: for, besides the lord Fairfax, there were in truth few of good reputation and fortune who ran that way. On the other hand, the king's party thought their work done by it; for they having already sent two good regiments of foot, the one under colonel John Bellasis, younger son to the lord viscount Falconbridge, and the other under sir William Pennyman; and two regiments of dragoons, the one under colonel Duncomb, the other, colonel Gowre; besides three or four good troops of horse; and the king being at that distance that they could not send him farther supply; they thought they had nothing to do, but to keep the

country in such a peace, that it might do the king no harm by sending men to the earl of Essex, or adhering to the garrison of Hull; and concluding, as the other did, that the decision between the king and parliament would be at the first encounter. Upon these deliberations, articles were solemnly drawn up, consented to and subscribed by the lord Fairfax, and Harry Bellasis, the heir apparent of the lord Falconbridge, who were the two knights who served in parliament for Yorkshire, nearly allied together, and of great kindness till their several opinions and affections had divided them in this quarrel, the former adhering to the parliament, the latter, with great courage and sobriety, to the king.

258 With them, the principal persons of either party subscribed the articles, and gave their mutual faiths to each other, that they would observe them; being indeed no other than an engagement of neutrality, and to assist neither party. Of all the gentry of Yorkshire there were only two dissenters on the parliament side, young Hotham and sir Edward Rhodes, who, though of the better quality, was not so much known or considered as the other. But they quickly found seconds enough; for the parliament no sooner was informed of this transaction than they expressed their detestation of it, and gently in words (though scornfully in matter) reprehending the lord Fairfax and his party, for being cozened and overreached by the other, they declared, "that none of the parties to that agreement had any authority to bind that county to any such neutrality as was mentioned in that agreement; it being a peculiar and proper power and privilege of parliament, where the whole body of the kingdom is represented, to bind all or any part thereof: that it was very prejudicial and dangerous to the whole kingdom that one county should withdraw themselves from the assistance of the rest, to which they were bound by law, and by several orders and declarations of parlia-

ment: that it was very derogatory to the power and authority of parliament that any private men should take upon them to suspend the execution of the ordinance of the militia, declared by both houses to be according to law, and very necessary at that time for the preservation of the peace and safety of the kingdom. And therefore, they said, they thought themselves bound in conscience to hinder all further proceedings upon that agreement; and ordered, that no such neutrality should be observed in that county. For if they should suffer particular counties to divide themselves from the rest of the kingdom, it would be a means of bringing all to ruin and destruction." And therefore they further declared, that "neither the lord Fairfax nor the gentlemen of Yorkshire, who were parties to those articles, nor any other inhabitants of that county, were bound by any such agreement; but required them to pursue their former resolutions, of maintaining and assisting the parliament, in defence of the common cause, according to their general protestation wherein they were bound with the rest of the kingdom, and against the particular protestation by themselves lately made, and according to such orders and commissions as they should receive from both houses of parliament, from the committee of the lords and commons appointed for the safety of the kingdom, or from the earl of Essex, lord general." And, lest this their declaration should not be of power enough to dissolve this agreement, they published their resolution, and directed that "Mr. Hotham and sir Edward Rhodes should proceed upon their former instructions; and that they should have power to seize and apprehend all delinquents that were so voted by the parliament, and all such others, as delinquents, as had, or did shew themselves opposite and disobedient to the orders and proceedings of parliament."

259 Upon this declaration and vote, not only young Ho-

tham fell to the practice of acts of hostility with all license out of the garrison at Hull; but the lord Fairfax himself, and all the gentlemen of that party, who had, with that protestation, signed the articles, instead of resenting the reproach to themselves, tamely submitted to those unreasonable conclusions; and, contrary to their solemn promise and engagement, prepared themselves to bear a part in the war, and made all haste to levy men.

260 Upon so great a disadvantage were the king's party in all places; who were so precise in promises and their personal undertakings, that they believed they could not serve the king and his cause if their reputation and integrity were once blemished, though some particular contract proved to his disadvantage: whilst the other[s] exposed their honours for any present temporary conveniences, and thought themselves absolved by any new resolution of the houses, to whose custody their honour and ingenuity was committed. The present disadvantage of this rupture was greater to the king's party there than to the other. For, (besides that many who concurred with them very frankly and solicitously in the neutrality separated themselves from them now there was a necessity of action) they had neither money to raise men, nor arms to arm them; so that the strength consisted in the gentlemen themselves, and their retinue, who, by the good affections of the inhabitants of York, were strong enough to secure one another within the walls of that city. Then the earl of Cumberland, in whom the chief power of command was to raise men and money in a case of necessity, though he was a person of entire devotion to the king, was in his nature unactive, and utterly unexperienced in affairs and exigents of that nature.

261 On the other hand, the opposite party was strengthened and enabled by the strong garrison of Hull, whence young Hotham on all occasions was ready to second them with his troop of horse, and to take up any well

affected person who was suspected to be loyal; which drove all resolved men from their houses into York, where they only could be safe. They could have what men more they desired from London, and both ready money from thence to Hull, and ordinances to raise what they would in the county to pay them. Leeds, Halifax, and Bradford, three very populous and rich towns, (which depending wholly upon clothiers naturally maligned the gentry,) were wholly at their disposition. Their neighbours in Lincolnshire were in a body to second them, and sir John Gell was on the same behalf possessed of Derby, and all that county, there being none that had the hardiness yet to declare there for the king. So that if sir John Hotham's wariness had not kept him from being active, and his pride and contempt of the lord Fairfax, upon whom the country chiefly depended, hindered him from seconding and assisting his lordship, or if any man had had the entire command of those parts and forces, to have united them, the parliament had with very little resistance been absolute masters of all Yorkshire, and as easily of the city itself. But their want of union in the by, though they agreed too well in the main, gave the king's party time to breathe, and to look about for their preservation. Thereupon they sent to the earl of Newcastle for assistance; offering, if he would march into Yorkshire, they would join with him, and be entirely commanded by him; the earl of Cumberland willingly offering to wave any title to command.

262 It was before remembered, that when the king left York he had sent the earl of Newcastle, as a person of great honour and interest in those parts, to be governor of Newcastle; and so to secure that port, that the parliament might neither seize it, nor the Scots be bribed by it to come to the assistance of their brethren. Which commission from the king his lordship no sooner executed, without the least hostility, (for that town received

him with all possible acknowledgments of the king's goodness in sending him,) but he was impeached by the house of commons of high treason. From his going thither, (which was in August,) till toward the end of November, the earl spent his time in disposing the people of Northumberland and the bishopric of Durham to the king's service, and to a right understanding of the matters in difference; in the fortifying Newcastle and the river, whereby that harbour might be only in the king's obedience; in raising a garrison for that place, and providing arms for a farther advance of the cause. Then he provided for the assistance of his friends in Yorkshire, whose condition grew every day more desperate. For the parliament, finding the inconveniences of having no commander in chief in those parts, had caused their generalissimo, the earl of Essex, to send a commission to the lord Fairfax, to command all the forces of Yorkshire and the adjacent counties in chief; by which, in less time than could be reasonably imagined, he was able to draw together an army of five or six thousand horse and foot; so that York must presently have been swallowed up.

263 But in the beginning of December the earl of Newcastle marched to their relief; and having left a good garrison in Newcastle, and fixed such small garrisons in his way as might secure his communication with that port, to which all his ammunition was to be brought; and with a body of near three thousand foot, and six or seven hundred horse and dragoons, without any encounter with the enemy, (though they had threatened loud,) he entered York; having lessened the enemy's strength, without blood, both in territories and men. For, as soon as he entered Yorkshire, two regiments raised in Richmondshire and Cleveland dissolved of themselves; having it yet in their choice to dwell at home, or to leave their houses to new comers. The earl being now master of the north as far as York, thought rather of forming an army,

and providing money to pay it, than of making any further progress in the winter; and therefore suffered the lord Fairfax to enjoy the southern part of that large rich county, till the spring, and his improved posture, should enable him to advance: yet few days passed without blows, in which the parliament forces had usually the worst.

264 Shortly after the earl's coming to York, general King repaired to him, whom he made lieutenant general of his army; who, notwithstanding the unavoidable prejudice of being a Scotchman, ordered his foot with great wisdom and dexterity: the charge of the horse being at the same time committed to general Goring; who, by the queen's favour, notwithstanding all former failings, was recommended to that province, and quickly applied himself to action: so that, though the lord Fairfax kept Selby and Cawood, both within a small distance from York, the earl was absolute master of the field. And now the north yielding secure footing for those who had been unreasonably persecuted for their obedience to the king, the queen herself thought of returning into England.

265 Her majesty had from her first going into Holland dexterously laboured to advance the king's interest, and sent very great quantities of arms and ammunition to Newcastle, (though, by the vigilance of the parliament agents in those parts, and the power of their ships, too much of it was intercepted,) with some considerable sums of money, and good store of officers; who, by the connivance of the prince of Orange, came over to serve their own king. And from this extraordinary care of her majesty's, and her known grace and favour to the person of the earl of Newcastle, who she well knew had contracted many enemies by the eminency of his devotion to the king, that army was by the parliament styled *the queen's army*, and *the catholic army*, thereby

to expose her majesty the more to the rude malice of the people, and the army to their prejudice; persuading them “that it consisted of none but professed papists, who intended nothing but the extirpation of the protestants, and establishing their own profession.”

266 About the middle of February, the queen took shipping from Holland, in a States man of war, assigned by the prince of Orange with others for her convoy, and arrived safely in Burlington Bay, upon the coast of Yorkshire; where she had the patience to stay on ship-board at anchor the space of two days, till the earl had notice “to draw such a part of his forces that way as might secure her landing, and wait on her to York;” which he no sooner did, (and he did it with all imaginable expedition,) but her majesty came on shore; and, for the present, was pleased to refresh herself in a convenient house upon the very key, where all accommodations were made for her reception; there being many things of moment to be unshipped before she could reasonably enter upon her journey towards York.

267 The second day after the queen’s landing, Batten, vice-admiral to the earl of Warwick, (who had waited to intercept her passage,) with four of the king’s ships, arrived in Burlington Road; and, finding that her majesty was landed, and that she lodged upon the key, bringing his ships to the nearest distance, being very early in the morning, discharged above a hundred cannon (whereof many were laden with cross-bar-shot) for the space of two hours upon the house where her majesty was lodged: whereupon she was forced out of her bed, some of the shot making way through her own chamber, and to shelter herself under a bank in the open fields; which barbarous and treasonable act was so much the more odious, in that the parliament never so far took notice of it as to disavow it. So that many believed it was very pleasing to, if not commanded by them; and that

if the ships had encountered at sea they would have left no hazard unrun to have destroyed her majesty.

268 The queen shortly after removed to York, and the king's affairs prospered to that degree, that, as the earl of Newcastle had before fixed a garrison at Newark in Nottinghamshire, which kept the forces of Lincoln from joining entirely with the lord Fairfax, and had with great courage beaten off a formed body of the rebels who attempted it; so he now sent Charles Cavendish, the younger brother of the earl of Devonshire, with a party volant of horse and dragoons, into Lincolnshire; where, about the middle of March, he assaulted Grantham, a new garrison of the rebels; which he took, and in it above three hundred prisoners, with all their officers, arms, and ammunition: and, about the same time, sir Hugh Cholmondley, who had done very notable service to the parliament, and oftener defeated the earl of Newcastle's troops (though he had been in truth hurried to that party rather by the engagement of sir John Hotham, with whom he had long friendship, than by his own inclination) than any officer of those parts, very frankly revolted to his allegiance; and waiting on her majesty for her assurance of his pardon, delivered up the castle of Scarborough (a place of great importance) to the king; the command and government whereof was again by the earl committed to him; which he discharged with courage and singular fidelity. By this means, and those successes, the lord Fairfax quitted Selby, Cawood, and Tadcaster, and retired to Pomfret and Halifax; whereby the earl was upon the matter possessed of that whole large county, and so able to help his neighbours. This was the state of that part of the north which was under the earl of Newcastle's commission: for Lancashire, Cheshire, and Shropshire were in a worse condition; of which, and the neighbour counties, it will be necessary in the

next place to say somewhat; and of those first which lay farthest off.

269 We have said before, that when the king left Shrewsbury, and marched to meet the earl of Essex, (which he did at Edge-hill,) all his designs being to come to a battle; and the opinion of most, that a battle would determine all; he was to apply all the strength and forces he could possibly raise to the increasing his army; so that he left no one garrison behind him, but relied upon the interest and authority of the lord Strange, (who was, by the death of his father, now earl of Derby,) to suppress all commotions and insurrections which might happen in the counties of Lancashire and Cheshire; which his lordship was confident he should be able to do, and was then generally believed to have a greater influence upon those two counties, and a more absolute command over the people in them, than any subject in England had in any other quarter of the kingdom. The town of Shrewsbury, and that good county, where [the king] had been so prosperous, (and by which the people were more engaged,) he intrusted only to that good spirit that then possessed it, and to the legal authority of the sheriffs and justices of the peace. And it fared in those counties as in all other parts of the kingdom, that the number of those who desired to sit still was greater than of those who desired to engage of either party; so that they were generally inclined to articles of neutrality. And in Cheshire, the active people of both sides came to those capitulations with as much solemnity as had been in Yorkshire, and with the same declaration (so much the same, that there was no other difference but alterations of names and places) were absolved from the observation of them. And then sir William Bruerton, a gentlemen of a competent fortune in that county, and knight for that shire in parliament, but

most considerable for a known averseness to the government of the church, bringing with him from London a troop of horse and a regiment of dragoons, marched thither to protect those who were of that party, and under such a shelter to encourage them to appear.

- 270 The city of Chester was firm to the king, by the virtue of the inhabitants, and interest of the bishop and cathedral men; but especially by the reputation and dexterity of Mr. [O.] Bridgman, son to the bishop, and a lawyer of very good estimation; who not only informed them of their duties, and encouraged them in it, but upon his credit and estate, both which were very good, supplied them with whatsoever was necessary for their defence; so that they were not put to be honest and expensive together. But as they had no garrison of soldiers, so they had no officer of skill and experience to manage and direct that courage which at least was willing to defend their own walls; which they were now like to be put to. Therefore the king sent thither sir Nicholas Byron, a soldier of very good command, with a commission to be colonel general of Cheshire and Shropshire; and to be governor of Chester; who being a person of great affability and dexterity, as well as martial knowledge, gave great life to the designs of the well affected there; and, with the encouragement of some gentlemen of North Wales, in a short time raised such a power of horse and foot as made often skirmishes with the enemy; sometimes with notable advantage, never with any signal loss; so that sir William Bruerton fortified Nantwich, as the king's party did Chester: from which garrisons, which contained both their forces, they contended which should most prevail upon, that is most subdue, the affections of the county, to declare for and join with them. But the fair expectation of Cheshire was clouded by the storms that arose in Lancashire, where men of no name and contemned

interest, by the mere credit of the parliament, and frenzy of the people, on a sudden snatched that large and populous county from their devotion to the great earl of Derby.

- ²⁷¹ The town of Manchester had from the beginning (out of that factious humour which possessed most corporations, and the pride of their wealth) opposed the king, and declared magisterially for the parliament. But as the major part of the county consisted of papists, of whose insurrections they had made such use in the beginning of the parliament, when they had a mind to alarm the people with dangers; so it was confidently believed that there was not one man of ten throughout that province who meant not to be dutiful and loyal to the king: yet the restless spirit of the seditious party was so sedulous and industrious, and every one of the party so ready to be engaged, and punctually to obey; and, on the other hand, the earl of Derby so unactive, and through greatness of mind so uncomplying with those who were fuller of alacrity, and would have proceeded more vigorously against the enemy, or through fear so confounded, that, instead of countenancing the king's party in Cheshire, which was expected from him, the earl insensibly found Lancashire to be almost possessed against him; the rebels every day gaining and fortifying all the strong towns, and surprising his troops, without any considerable encounter. And yet, so hard was the king's condition, that, though he knew those great misfortunes proceeded from want of conduct and of a vigorous and expert commander, he thought it not safe to make any alteration, lest the earl might be provoked, out of disdain to have any superior in Lancashire, to manifest how much he could do against him, though it appeared he could do little for him. Yet it was easily discerned that his ancient power there depended more upon the fear than love of the people, there being very

many, now in this time of liberty, engaging themselves against the king, that they might not be subject to that lord's commands.

²⁷² However, the king committing Lancashire still to his lordship's care, (whose fidelity, without doubt, was blameless, whatever his skill and courage was,) he sent the lord Capel to Shrewsbury, with a commission of "lieutenant general of Shropshire, Cheshire, and North Wales;" who, being a person of great fortune and honour, quickly engaged those parts in a cheerful association; and raised a body of horse and foot, that gave sir William Bruerton so much trouble at Nantwich, that the garrison at Chester had breath to enlarge its quarters, and to provide for its own security; though the enemy omitted no opportunity of infesting them, and gave them as much trouble as was possible. And it cannot be denied but sir William Bruerton, and the other gentlemen of that party, albeit their education and course of life had been very different from their present engagements, and for the most part were very unpromising to matters of courage, and therefore were too much contemned enemies, executed their commands with notable sobriety and indefatigable industry, (virtues not so well practised in the king's quarters,) insomuch as the best soldiers who encountered with them had no cause to despise them. It is true, they had no other straits and difficulties to struggle with than what proceeded from their enemy; being always supplied with money to pay their soldiers, and with arms to arm them; whereby it was in their power not to grieve and oppress the people. And thereby (besides the spirit of faction that much governed) the common people were more devoted to them, and gave them all intelligence of what might concern them; whereas they who were intrusted to govern the king's affairs had intolerable difficulties to pass through; being to raise men

without money, to arm them without weapons, (that is, they had no magazine to supply them,) and to keep them together without pay; so that the country was both to feed and clothe the soldiers; which quickly inclined them to remember only the burden, and forget the quarrel.

273 And the difference in the temper of the common people of both sides was so great, that they who inclined to the parliament left nothing unperformed that might advance the cause; and were incredibly vigilant and industrious to cross and hinder whatsoever might promote the king's: whereas they who wished well to him thought they had performed their duty in doing so, and that they had done enough for him [in] that they had done nothing against him.

274 Though by this sending the lord Capel those counties of Shropshire and Cheshire, with the assistance of North Wales, kept those parts so near their obedience, that their disobedience was not yet pernicious to the king in sending assistance to the earl of Essex against his majesty or to the lord Fairfax against the earl of Newcastle, yet those counties which lay in the line between Oxford and York were upon the matter entirely possessed by the enemy. The garrison of Northampton kept that whole county in obedience to the parliament, save that from Banbury the adjacent parishes were forced to bring some contribution thither. In Warwickshire the king had no footing; the castle of Warwick, the city of Coventry, and his own castle of Killingworth, being fortified against him. The lord Grey, son to the earl of Stamford, had the command of Leicestershire, and had put a garrison into Leicester. Derbyshire, without any visible party in it for the king, was under the power of sir John Gell, who had fortified Derby. And all these counties, with Staffordshire, were united in an association against the

king under the command of the lord Brook, who was by the earl of Essex made general of that association ; a man cordially disaffected to the government of the church, and upon whom that party had a great dependence. This association received no other interruption from or for the king than what colonel Hastings gave ; who, being a younger son to the earl of Huntingdon, had appeared eminently for the king from the beginning ; having raised a good troop of horse with the first, and, in the head thereof, charged at Edge-hill.

²⁷⁵ After the king was settled at Oxford, colonel Hastings, with his own troop of horse only, and some loose officers which he easily gathered together, went with a commission into Leicestershire, of "colonel general of that county," and fixed himself at Ashby de la Zouch, the house of the earl of Huntingdon, his father, who was then living ; which he presently fortified ; and, in a very short time, by his interest there, raised so good a party of horse and foot, that he maintained many skirmishes with the lord Grey : the king's service being the more advanced there, by the notable animosities between the two families of Huntingdon and Stamford ; between whom the county was divided passionately enough, without any other quarrel. And now the sons fought the public quarrel with their private spirit and indignation. But the king had the advantage in his champion, the lord Grey being a young man of no eminent parts, and only backed with the credit and authority of the parliament : whereas colonel Hastings, though a younger brother, by his personal reputation, had supported his decaying family ; and, by the interest of his family, and the affection that people bore to him, brought, no doubt, an addition of power to the very cause. Insomuch as he not only defended himself against the forces of the parliament in Leicestershire, but disquieted sir John Gell

in Derbyshire, and fixed some convenient garrisons in Staffordshire.

276 About the same time, some gentlemen of that county, rather well affected than well advised, before they were well enough provided to go through their work, seized [on] the Close in Lichfield for the king; a place naturally strong, and defended with a moat, and a very high and thick wall; which in the infancy of the war was thought a good fortification. To suppress this growing force within the limits of his association the lord Brook advanced with a formed body of horse, foot, and cannon; part drawn from the earl of Essex's army, and the rest out of the garrisons of Coventry and Warwick; and, without any resistance, entered the city of Lichfield; which, being unfortified, was open to all comers. The number in the Close was not great, nor their provisions such as should have been, and very well might have been, made; so that he made no doubt of being speedily master of it; sir John Gell having brought up a good addition of strength to him from Derby. He was so far from apprehending any danger from the besieged, that himself lodged in a house within musket-shot of the Close; where, the very day he meant to assault it, sitting in his chamber, and the window open, he was, from the wall of the Close, by a common soldier, shot with a musket in the eye; of which he instantly died without speaking a word.

277 There were many discourses and observations upon his death, that it should be upon St. Chad's day, (being the second day of March,) by whose name, [he] being a bishop shortly after the first planting of Christianity in this island, that church had been anciently called. And it was reported, that in his prayer that very morning, (for he used to pray publicly, though his chaplain were in the presence,) he wished, "that, if the cause he were

in were not right and just, he might be presently cut off." They who were acquainted with him believed him to be well natured and just; and rather seduced and corrupted in his understanding, than perverse and malicious. Whether his passions or conscience swayed him, he was undoubtedly one of those who could have been with most difficulty reconciled to the government of the church or state: and therefore his death was looked upon as no ill omen to peace, and was exceedingly lamented by that party; which had scarce a more absolute confidence in any man than in him. However, it brought not that relief to the besieged in the Close as was believed it would; for the same forces, under sir John Gell, proceeded so vigorously in the work, and they within so faintly or unskilfully, that without any of that distress which men thought it might bear, and which it did, within a short time after, bear against the king, the place was yielded without other conditions than of quarter; by which many persons became prisoners, of too good quality to have their names remembered.

²⁷⁸ By this prize, the spirits of that party were much exalted, and the king's party in those parts as much cast down. Yet some gentlemen betook themselves to the town of Stafford, and having too much declared for the king, when they thought Lichfield would have been of strength to secure them, to hope to live unhurt at their houses, resolved to defend that place; against which the triumphant Gell drew his late fleshed troops. But the earl of Northampton, (who intended the relief of Lichfield, if they had had any patience to expect it,) with a strong party of horse and dragoons from his garrison of Banbury, came seasonably to their succour, and put himself into the town; and the same night beat up a quarter of the enemy's, in which he killed and took above one hundred of their horse. Sir John Gell retired so far as to meet with sir William Bruerton, who, from Nantwich,

was coming to join with him for the subduing of Stafford; and, having done that, resolved to march in a body for the clearing the other counties. When they were joined, being near three thousand foot and horse, with a good train of artillery, they moved back towards Stafford, imagining the earl of Northampton would meet them without the walls: and it so fell out; for the earl no sooner heard that the rebels were drawing towards the town, but he drew out his party to encounter them; imagining it could be only Gell, whose numbers he understood, and whose courage he much undervalued.

279 It was on a Sunday, about the middle of March, when, in the afternoon, he marched out of Stafford; his party consisting of horse and dragoons, and some few foot, the whole number being under one thousand, and found the enemy in very good order, expecting them upon a plain called Hopton-Heath, some two miles from Stafford. Though the number was more than double to the earl's, yet the heath seeming very fair, the breadth of it being more than musket-shot from enclosure on each side, and the number of his horse being at least equal to the other, he resolved to charge them; and accordingly did, with so good success, that he totally routed that part of their horse; and, rallying again his men, he charged the other part of their horse, which stood more in shelter of their foot; and so totally routed and dispersed them, that the enemy had scarce a horse left upon the field; and took likewise from them eight pieces of cannon.

280 In this second charge, the earl of Northampton, being engaged on the execution, very near or amongst their foot, had his horse killed under him. So that his own horse (according to their unhappy practice) with too much fury pursuing the chase, he was left encompassed by his enemy, so that what his behaviour was afterwards, and their carriage towards him, can be known only by the testimony of the rebels; who confessed, that, after he

was on his feet, he killed with his own hand the colonel of foot who made first haste to him; and that, after his headpiece was stricken off with the but-end of a musket, they offered him quarter; which, they say, he refused; answering, "that he scorned to take quarter from such base rogues and rebels as they were." After which, he was slain by a blow with a halbert on the hinder part of his head, receiving at the same time another deep wound in his face.

281 All this time the enemy's foot stood, which (after their horse were dispersed) sir Thomas Byron, who commanded the prince of Wales's regiment, a gentleman of great courage and of very good conduct, charged with good execution. But the night came on apace, and the field, which they thought so fair, was found full of coal-pits and holes dangerous for their horse; so that they thought fit to forbear farther action till they might have the morning's light, and stood all that night in the field. When the morning appeared, there was no enemy to be seen. For as soon as the fight ended, and the night drew on, that they were unperceived, they had left the field, in hope that their scattered horse would find them in quarters more remote from the danger. But the victorious party was so harassed with duty, and tired with the fight, so cast down with the loss of their general, and so destitute of officers to direct and command what was to be next done, (for the lord Compton, the earl's eldest son, had received a shot in the leg; sir Thomas Byron a shot in the thigh, whereby they were not able to keep the field; and many other officers hurt,) that they retired to refresh themselves at Stafford, after they had taken the spoil of the field and buried their dead.

282 In this fight, which was sharp and short, there were killed and taken prisoners of the parliament party above two hundred, and more than that number wounded. For the horse charging among their foot, more were

hurt than killed. Eight pieces of their cannon and most of their ammunition was likewise taken. Of the earl's party were slain but twenty-five, whereof there were two captains, some inferior officers, and the rest common men; but there were as many hurt, and those of the chief officers. They who had all the ensigns of victory but their general, thought themselves undone; whilst the other side, who had escaped in the night, and made a hard shift to ~~carry~~ carry his dead body with them, hardly believed they were losers:

Et, velut æquali bellatum sorte fuisset,

Componit cum classe virum——

283 The truth is, a greater victory had been an unequal recompense for a less loss. He was a person of great courage, honour, and fidelity, and not well known till his evening; having, in the ease and plenty and luxury of that too happy time, indulged to himself with that license which was then thought necessary to great fortunes: but from the beginning of these distractions, as if he had been awakened out of a lethargy, he never proceeded with a lukewarm temper. Before the standard was set up, he appeared in Warwickshire against the lord Brook, and as much upon his own reputation as the justice of the cause, which was not so well then understood, discountenanced, and drove him out of that county. Afterwards [he] took the ordnance from Banbury castle, and brought them to the king. As soon as an army was to be raised, he levied, with the first, upon his own charge, a troop of horse and a regiment of foot, and (not like [some] other men, who warily distributed their family to both sides, one son to serve the king, whilst the father or another son engaged as far for the parliament) entirely dedicated all his children to the quarrel; having four sons officers under him, whereof three charged that day in the field: and, from the time he submitted himself to

the profession of a soldier, no man more punctual upon command, no man more diligent and vigilant in duty. All distresses he bore like a common man, and all wants and hardneses, as if he had never known plenty or ease; most prodigal of his person to danger; and would often say, "that if he outlived these wars, he was certain never to have so noble a death." So that it is not to be wondered, if, upon such a stroke, the body that felt it thought it had lost more than a limb.

284 As soon as it was known where the enemy rested after their retreat, the young earl of Northampton sent a trumpet to sir John Gell to desire the body of his father, that he might give it such decent burial as became him. Gell and Bruerton jointly by letter demanded, in exchange for the dead body, all their ammunition, prisoners, and cannon they had lost at the battle; which demands being so unreasonable, and against the law of arms, the earl sent again to them, to desire, that if they would not return the corpse, that his surgeon might have leave to embalm it, whereby it might be preserved to receive those rites when they should be willing to gratify him, which, he presumed, upon more dispassionate thoughts, they would be. Their answer to this was as unreasonable as the other; that they would neither send the body nor permit his surgeons to come to embalm it; presuming, it is probable, that the piety of the son would have prevailed to have their unheard of propositions complied with.

285 And so we shall for the present leave these parts, and visit the principality of Wales; of which hitherto very little hath been said; and from the affection whereof the king had from the beginning a very great benefit; it having supplied him with three or four good regiments of foot, in which many of their gentry were engaged, before the battle of Edge-hill.

286 It hath been before remembered, that the marquis of

Hertford drew with him out of Wales, and brought to Oxford, about Christmas, near two thousand men ; leaving Wales guarded only with the courage and fidelity of the gentry and inhabitants. After that, North Wales lying most convenient to back Chester and Shrewsbury, which places, whilst the enemy was master of the field, received their chief supplies of men and provisions from thence ; the king always put it under the government of those to whom he committed those parts. South Wales, which is much the larger and richer part of that dominion, he committed to the charge of the lord Herbert, eldest son to the marquis of Worcester ; whom he made his lieutenant general, adding Monmouthshire to his commission.

287 There were, in the opinion of many, great objections against committing that employment to that noble lord, whose person many men loved, and very few hated. First, he had no knowledge or experience in the martial profession ; then his religion, being of that sort of catholics the people rendered odious, by accusing it to be most jesuited, men apprehended would not only produce a greater brand upon the king of favouring papists and popery than he had been yet reproached with ; (for, though he had some papists entertained in his armies, yet all men trusted by him in superior commands were men of unblemished integrity in the protestant religion ; and in all his armies he had but one general officer of the contrary religion, sir Arthur Aston, whom the papists notwithstanding would not acknowledge for a papist ;) this gave opportunity and excuse to many persons of quality, and great interest in those counties, (between whom and that lord's family there had been perpetual feuds and animosities,) to lessen their zeal to the king's cause out of jealousy of the other's religion ; and those contestations had been lately improved with some sharpness by the lord Herbert's carriage towards the lord

marquis [of] Hertford during the time of his residence there; when, out of vanity to magnify his own power, he had not shewed that due regard to that of the other which he should have had. And no doubt, if he had been of that mind, it would much more have advanced the king's service, if he would have contributed his full assistance to another, who more popularly might have borne the title of such a command.

288 But, on the other side, the necessity of disposing those parts, divided from the rest of the kingdom, under the command of some person of honour and interest, was very visible; and the expedition in doing it was as penal and necessary; the parliament being possessed of Gloucester and Bristol, and so having such an influence upon the trade and livelihood of that people by their absolute command of the Severn, that, except there were extraordinary care of keeping them, they would be quickly lost. Besides that, at the same time, there was discourse in the houses of sending the earl of Pembroke thither, whose estate was very great in those parts, and his reputation equal. Then the parliament had already such a footing in Pembrokeshire, that many of the principal gentlemen had declared for them; and the harbour of Milford-Haven gave their fleet opportunity to give them all supplies and relief. This being the state of those parts, the lord Herbert not only offered, but desired to receive that command; and engaged himself, not only to secure it from the opposition and malignity of the other party, but, before the spring, to raise such a strength of horse and foot, and to provide such an equipage to march with, that might reduce Gloucester, and be then added to the king's army, when he should be ready to take the field; and all this so much at his own charge, (for his father, who was well able, would furnish money, as was pretended, upon the king's promise to repay him when he should be restored

to his own,) that he would receive no part of the king's revenue, or of such money as he could be able to draw for the supply of his own more immediate occasions.

289 This was a very great offer, and such as no man else could so reasonably make. For the marquis of Worcester was generally reputed the greatest monied man of the kingdom; and probably might not think it an unthrifty thing, rather to disburse it for the king, who might be able to repay it, than to have it taken from him by the other party; which would be hardly questionable if they prevailed. The lord Herbert himself was a man of more than ordinary affection and reverence to the person of the king, and one who, he was sure, would neither deceive nor betray him. For his religion, it might work upon himself, but could not disquiet other men. For though he were a papist, he was never like to make others so; and his reputation and interest was very great with many gentlemen of those counties, who were not at all friends to his religion. It was not possible to employ any person of interest and power in those parts, (and there were many objections, from the nature and manners of that people, against a mere stranger,) against whom there would not be some faction and animosity; for the emulations and dissensions between families was general and notorious; and therefore it would be best to choose such a one who was like to have a greater faction for him than against him. And it was to be hoped that the old grudges and prejudice[s,] which had been rather against the house of Worcester and the popish religion professed there than against the person of this lord, would have been composed and declined by his fair and gentle carriage towards all men, (as in truth he was of a civil and obliging nature,) and by the public-heartedness of those, who, for the cause, and conscience sake, would, it was hoped, sacrifice all trivial and private contentions

to a union that must vindicate the religion, honour, and justice of the kingdom.

290 Upon these reasons and these presumptions, the king granted such a commission as is before mentioned to the lord Herbert; who, with more expedition than was expected by [many], or by others believed possible, raised a body of above fifteen hundred foot and near five hundred horse, very well and sufficiently armed; which increased the merit of the service.

291 The horse he put under the command of his brother, the lord John Somerset, a maiden soldier too; and the foot under colonel Lawly, whom he made his major general, a bold and a sprightly officer. About the middle of February he marched towards Gloucester, with an ill omen at his setting out; for a rabble of country people being got together, without order or officer of name, barricadoed a little village in the forest of Deane called Cover, (through which he was to pass,) and refused to give him entrance; and out of a window killed colonel Lawly and two officers more, without hurting a common soldier; whereby that body was destitute of any person of experience to command them. However, the lord Herbert, who was himself seldom with his forces, shortly after placed colonel Brett in that command; who, without any skirmish of importance, marched through the forest of Deane, and fixed a quarter which contained his whole body at the Vineyard, the bishop of Gloucester's palace, within less than half a mile of Gloucester. And by that means, there being only a long bridge over the Severn by which men could come out or go in to Gloucester, he fully blocked up the town on that side, expecting that prince Maurice from Cirencester should take equal care to distress it on the other; which he did to a good degree.

92 But sir William Waller, with a light party of horse and dragoons, near two thousand, from the earl of

Essex's army, had made a quick march through Wiltshire, (after his taking of Chichester,) and taking with little loss and trouble a small garrison of the king's, consisting of about six or seven score, at Malmsbury, before it was fortified or provided, made a face of looking towards Cirencester; where when he found he was expected, by a sudden night march, in which he was very dexterous and successful, he posted to the river of Severn, six miles west of Gloucester, from whence he had appointed many flat boats to meet him; and in them, in the light day, the guard of the river being either treacherously or sottishly neglected by the lord Herbert's forces, transported his whole body, which, upon the advantage of that pass, might have been resisted by a hundred men. Hereupon the consternation was so great amongst the new Welsh soldiers, very few of their officers having ever seen an enemy, that though their works were too good to be entered by horse and dragoons; though the avenues were but narrow, in all which they had cannon planted, and their numbers very near if not fully equal to the enemy; upon the advance of sir William Waller upon them, without giving or receiving blow, they fairly sent out to treat, and as kindly delivered up themselves and their arms upon the single grant of quarter; a submission so like a stratagem, that the enemy could hardly trust it. Yet, in the end, they made a shift to put near thirteen hundred foot and three troops of horse prisoners into Gloucester, the lord Herbert himself being at that time at Oxford, and the lord John Somerset with three or four troops at a safe distance from the rest.

293 This was the end of that mushroom-army, which grew up and perished so soon, that the loss of it was scarce apprehended at Oxford, because the strength, or rather the number, was not understood. But if the money which was laid out in the raising, arming, and paying

that body of men, which never advanced the king's service in the least degree, had been brought into the king's receipt at Oxford to have been employed to the most advantage, I am persuaded the war might have been ended the next summer. For I have heard the lord Herbert say, that those preparations, and the other, which by that defeat were rendered useless, cost above threescore thousand pounds; whereof, though much came from the marquis's coffers, yet, no doubt, the general contribution[s] from the catholics made a good part; and very considerable sums were received by him of the king's revenue upon wardships, and other ways: for it was a common practice in those times for men to get into employments upon promises that they would not do this or that, without which nobody else would undertake that service; and being upon those terms received into it, they immediately did the other, because no other man could do the service without it.

294 The fame of this prodigious victory so subdued all those parts, that sir William Waller, with the same spirit of celerity, and attended by the same success, flew to Hereford; and, being a walled town, and replenished with a garrison, had that likewise delivered to him upon the same terms as the other was; and from thence (being with more confidence refused to be admitted into Worcester than he thought reasonable to require it) passed to Tewkesbury; which he likewise surprised, being newly garrisoned; his motion being so quick, that though prince Maurice attended him with all possible diligence, he could never farther engage him than in light skirmishes; and, having taken this progress, returned safe to Gloucester; and from thence to the earl of Essex's army; having made no other use of his conquests than the dishonouring so many places which had so quietly yielded to him; into which (for he fixed no one garrison)

the king's forces immediately entered again. So that his majesty's quarters continued the same they were, harassed only, and discountenanced, nothing straitened by this incursion; and the lord Herbert again intended new levies.

295 Having now, with as much clearness as I could, remembered the true state of the king's affairs and the condition of the kingdom at the end of this year 1642, with which I intend to conclude this sixth book, I shall, before I return to Oxford, to conclude the year, briefly call to remembrance the disconsolate state of Ireland; of which, advantage was always taken against the king, to render him odious to the people, as if he countenanced, at least not sufficiently abhorred, that wicked and unnatural rebellion. And this imputation was with so great art insinuated, that it got credit with many; insomuch as I have heard some who could make no other excuse for adhering to the parliament, than, that they were persuaded that the king favoured those rebels; which, they said, could not be without some design upon the religion, liberty, and prosperity of England. Whereas I can aver truly, upon as good grounds as ever any man spoke the heart of another, that the king always looked upon it as the most groundless, bloody, and wicked rebellion that ever possessed the spirits of that people; and was not more grieved at any one circumstance of the domestic distraction, than as it hindered him from chastising and taking vengeance upon the other: which from his soul he desired.

296 But in this discourse of Ireland, it cannot be imagined, neither do I intend to mention [all] the memorable actions, (in which were as great instances of God's own detestation of those inhuman rebels, by the signal victories he gave against them,) or other transactions within that kingdom; but shall remember no more of that business,

than had immediate reference to and dependence on the difference between the king and the two houses of parliament.

297 It is said before, that when the first visible rupture was declared between them, which was in the business of Hull, (which the king understood to be a direct levying of war against him,) in the protestation made by his majesty, that he would no farther treat or concur with them in any acts proposed by them, till he first received reparation or satisfaction in that particular; he always excepted what should any way concern Ireland: in which he offered to consent to whatsoever might reasonably conduce to the reducing those rebels; and did, after that, concur in some propositions of that nature. Yet it is certain that, from that time, the two houses were so busy in preparing the war for England, that they did very little advance the war of Ireland; save only by some small supplies of money and provisions. The king objected to them “the employing the monies raised by acts of parliament for the preservation and reduction of Ireland, with a special clause that the same should not be diverted to any other use whatsoever, in the supporting the unnatural war and rebellion against his majesty; particularly one hundred thousand pounds at one time; and that many soldiers raised under pretence of being sent into Ireland, were, contrary to their expectation and engagement, forced to serve under the earl of Essex against the king;” of which he named sir Faithful Fortescue’s regiment of horse, and the lord Wharton’s and the lord Kerry’s regiments of foot.

298 To this they answered, “that albeit they had, upon the urgent occasions of this kingdom, sometimes made use of the monies raised and collected for Ireland, yet that they had in due time repaid it, and that the other affairs had never suffered by the loan: and for the men, that it proceeded from his majesty’s own default; for after they

had raised them, with a serious intention to send them into Ireland, under the command of the lord Wharton, the king refused to grant a commission to him to transport them, and so they had been compelled to use them in their own service here."

299 The king replied, "that it appeared they had diverted that money to other uses than those for which it was provided; which was manifestly unlawful; and that it did not appear they had again reimbursed it, because very little supply was sent thither, and very much wanted: and for the soldiers, that they first levied them without his majesty's leave; which they had always before asked for their other levies; and being levied, they desired a commission for the lord Wharton to command them absolutely, without any dependence upon the lord lieutenant of Ireland; which had been never heard of, and which his majesty refused; but offered such a commission as was granted to other men."

300 On the other hand, they objected to the king, "the seizing some cart-horses at Chester, provided for the train of artillery for Ireland; that his forces had taken many clothes and provisions on the road, which were going to Chester to be transported thither for the relief of the soldiers; and that he entertained and countenanced men in his court which were favourers or actors in that rebellion;" naming the lord viscount Costeloe and the lord Taffe, which gave great umbrage to those who were well affected, and as great encouragement to the rebels there.

301 To the first, the king confessed, "he found about six score horses at Chester, which had long lain there; and, at his remove from Nottingham, knowing the other horse and men raised for Ireland were then marching with the earl of Essex against him, he knew not but these likewise might be so employed, and therefore in his own necessity took them for his own draughts. For the clothes which

had been taken by his soldiers, that it proceeded by the default of the parliament; who, after the war was begun, had sent those carriages through his quarters without sending to his majesty for a safe conduct, or giving any notice to him of it, till after they were taken: that it was within two miles of Coventry (which was then in rebellion) that those clothes were taken; and that, as soon as he knew they were designed for Ireland, his majesty had used the best means he could to recover them; but that the soldiers, who were almost naked, had divided them for their own supplies; and his majesty offered to give a safe conduct at all times for whatsoever should be designed for Ireland."

302 The occasion of the other reproach, for countenancing persons who adhered to the rebels, was this. The lords Dillon (viscount Costeloe) and Taffe had, four months before, passed out of Ireland into England, having never been in consort with the rebels, but so much trusted by them, that they desired, by their hands, to address a petition to the king; humble enough, desiring only to be heard, and offering to submit to his majesty's single judgment. With this petition, and all other instructions, as they pretended, these lords acquainted the lords justices and council of Ireland; who were so well satisfied with the persons employed, that they granted their safe pass, and sent letters by them of testimony. They were no sooner landed in England, but they were apprehended, and sent prisoners to the parliament, and by them committed with all strictness, as agents employed by the rebels of Ireland to the king; and that circumstance enforced and spread among the people with all licentious glosses against the king; who for that reason took no notice of their restraint, though from his ministers he received advertisement of the truth of the whole business. After some time was spent in close imprisonment, these lords, by petition, and all other addresses they could

make, pressed to be brought to any kind of examination and trial; of which they found no other benefit, than that, upon this importunity, their imprisonment was less close; and by degrees, under a formal restraint, (which, though more pleasant, was not less costly,) had the liberty of London, and from thence, after four months' restraint, without being formally charged with any crime, or brought to any trial, which they often desired, they escaped, and came to York; whither a messenger from the house of commons followed them, and demanded them as prisoners.

303 Many were of opinion that they should have been delivered back; foreseeing that the parliament would press the scandal of sheltering them much to the king's disadvantage; and any imputations of countenancing the rebels of Ireland found more credit, and made deeper impression with the people, than any other discourses of protecting malignants and delinquents. On the other side, it was thought unreasonable to remit men to an imprisonment, which appeared to have been unjust, by their not being proceeded against in so long time; especially when their coming to the king would be declared such a crime, that it would be now in their enemies' power to cause them to be punished; which before they could not do; at best, it were to deliver them up to the sergeant of the house of commons, from whence no innocence could redeem them, without paying such vast fees as would amount to a greater sum than they could probably be supplied with. So that the king, who wished that they had rather gone any whither than where he was, resolved to take no notice of their escape. And so they continued in his quarters, and put themselves into the troops; where they behaved themselves with good courage, and frankly engaged their persons in all dangerous enterprises.

304 In these jealousies and contests, the king being visibly

and confessedly unable to send succours of any kind thither, and the parliament having enough else to do, and in truth not taking so much pains to preserve it, as to impute the loss of it to the king, poor Ireland got very small relief. The earl of Leicester, lord lieutenant of that kingdom, had received his despatch from the king before he went to Shrewsbury. But when the king thought he would have gone directly to Chester, and so to Ireland, his lordship returned to London; which increased the king's jealousy and prejudice to him; which his former carriage, and a letter lately writ by him from Nottingham to the earl of Northumberland, and by order of parliament printed, had begot to a great degree. Shortly after his return to London, the house of commons demanded to see the instructions he had received from the king; which, as it was unreasonable in them, so he had received express command from the king not to communicate them. However, after he had avoided it as long as he could, and they continued peremptory in the demand, in the end he produced them to be perused by the committee of both houses. The truth is, the earl's condition was very slippery, and almost impossible to be safely managed by the most dexterous person.

305 He was designed to that employment by the king, shortly upon the death of the earl of Strafford, (or rather before; not without some advice from that earl,) with as great circumstances of grace and favour as could be; and as a person of whom entirely the king assured himself, being then so ungracious to the parliament, that as there were some sharp glances at him in that time, (which are before remembered,) so nothing preserved him from a public exception but the interest of the earl of Northumberland, whose sister he had married; whom that party was not willing to irreconcile. After the rebellion was broke out in Ireland, and the king had committed

the carrying on the war to the houses, he thought it absolutely necessary for his province to render himself as gracious to that people as was possible; and laboured that with so good effect and industry, that he omitted that care which should have been observed in continuing his interest at court. For the king and queen grew every day less satisfied with him; which sure he did not with wariness enough provide against; though I believe he had never unfaithful purposes towards either of them; but did sadly project, by his demeanour and interest in the houses, to provide so well for Ireland, and to go thither in so good a condition, that, being once there, he might be able to serve the king as he should be required.

³⁰⁶ But one man is rarely able to act both those parts: for the shewing his instructions, he gave a reason, which, if he had been free from all other objections, might appear no ill excuse: "He knew his instructions were such, that, being perused by the committee, could by no misconstruction, or possible perversion, be wrested to the king's disadvantage;" as indeed they never were able, nor ever attempted, to fix any reproach from them upon the king. "Whereas, after they were so peremptorily required, if he should have as peremptorily refused to submit, they would have concluded that there had been somewhat unjustifiable in them, and upon that jealousy made no scruple of publishing the worst reproaches upon his majesty." And it may be, he was not without an imagination, that if by this contest he had drawn the displeasure of the two houses upon him, as could not be avoided, his misfortune at court might have suffered that to have depressed him, and revenged itself upon the choler of the other. And when he left the king between Nottingham and Shrewsbury, his condition was so low, that a man might have imagined his interest would be best preserved by being within the verge of the parlia-

ment's protection. As his return to London was beside the king's expectation, so his stay there was longer than seemed to be [intended] by his own proposal; for he staid there above two months, till after the battle of Edge-hill, and both parties being fixed in their winter quarters; and then, without waiting again on the king, though Oxford was very few miles out of his way, about the end of November, he went to Chester, with a purpose of transporting himself for Ireland, but without the least appearance of addition of strength or provisions from the parliament; neither were there ships there ready to transport him.

307 About the end of November, four officers of the army in Ireland, sir James Montgomery, sir Hardress Waller, colonel Arthur Hill, and colonel Audly Mervin, having been employed from Ireland to solicit the parliament for succours, came from London to Oxford, and delivered a petition to the king; in which they told him,

308 "That they had addressed themselves to the parliament for supplies, whose sense of their miseries, and inclination to redress, appeared very tender to them; but the present distempers of the kingdom of England were grown so great, that all future passages, by which comfort and life should be conveyed to that gasping kingdom, seemed totally to be obstructed; so that unless his majesty, out of his singular wisdom and fatherly care, applied some speedy care, his loyal and distressed subjects of that kingdom must inevitably perish. They acknowledged his princely favour and goodness since this rebellion, so abundantly expressed in a deep sense and lively resentment of their bleeding condition; and therefore they besought him, amongst his other weighty cares, so to reflect upon the bleeding condition of that perishing kingdom, that timely relief might be afforded. Otherwise his loyal subjects there must yield their fortunes as a prey, their lives a sacrifice, and their religion a scorn to the merciless rebels, powerfully assisted from abroad."

309 And indeed the condition of the protestants in that kingdom was very miserable: for whilst the distractions

of England kept them from receiving succours, the rebels had arms, ammunition, money, and commanders from Rome, Spain, and France; the pope having sent a formal avowed nuncio, to whose jurisdiction the Irish submitted; and the kings of France and Spain having sent great supplies, and their agents, to countenance and foment the rebellion; who gave notable countenance to the assembly and formed council for the rebels, settled at Kilkenny.

310 The king, who well knew this petition was sent by the permission of those at Westminster, and that the agents employed were men of notorious disaffection to him, who looked for some such answer as might improve the envy of the people, used the messengers with all possible grace, and returned them as gracious an answer:

311 “That, from the beginning of that monstrous rebellion, he had had no greater sorrow, than for the bleeding condition of that his kingdom. That he had by all means laboured that timely relief might be afforded to it, and consented to all propositions, how disadvantageous soever to himself, that had been offered to him to that purpose; and not only at first recommended their condition to both his houses of parliament, and immediately, of his own mere motion, sent over several commissions, and caused some proportion of arms and ammunition (which the petitioners well knew to have been a great support to the northern parts of that kingdom) to be conveyed to them out of Scotland, and offered ten thousand volunteers to undertake that war; but had often pressed, by many several messages, that sufficient succours might be hastened thither, and other matters of smaller importance laid by, which did divert it; and offered, and most really intended, in his own royal person, to have undergone the danger of that war, for the defence of his good subjects, and the chastisement of those perfidious and barbarous rebels; and in his several expressions of his desires of treaty and peace, he had declared the miserable present condition and certain future loss of Ireland, to be one of the principal motives most earnestly to desire, that the present distractions of this

kingdom might be composed, and that others would concur with him to the same end." He told them,

312 " He was well pleased that his offers, concurrence, actions, and expressions, were so rightly understood by the petitioners, and those who had employed them; (notwithstanding the groundless and horrid aspersions which had been cast upon him;) but he wished, that, instead of a mere general complaint, to which his majesty could make no return but of compassion, they could have digested, and offered to him any such desires, by consenting to which he might convey, at least in some degree, comfort and life to that gasping kingdom; preserve his distressed and loyal subjects of the same from inevitably perishing, and the true protestant religion from being scorned and trampled on by those merciless and idolatrous rebels. And if the petitioners could yet think of any such, and propose them to his majesty, he assured them, that by his readiness to consent, and his thanks to them for the proposal, he would make it appear to them, that their most pressing personal sufferings could not make them more desirous of relief, than his care of the true religion, and of his faithful subjects, and of his duty, which obliged him, to his power, to protect both, rendered him desirous to afford it to them."

313 The king being fully informed now, as well by this committee, as from his ministers of state in that kingdom, of the growing power of the rebels in Ireland, and of the weak resistance his good subjects were like to make, whose only hopes depended upon those succours which they presumed the lord lieutenant would bring over with him, and that he was now going thither without the least addition of strength, or probable assurance that any would be sent after him; his majesty considered likewise, that, besides the damp this naked arrival of the lord lieutenant there must cast upon the minds of all, it would make likewise a great alteration in the conduct of affairs there. For upon his landing, the commission to the earl of Ormond, of lieutenant general of the army, would be determined; and there had those jealousies and disrespects passed between the earl of Leicester and him, that the earl of Ormond was resolved

no more to continue that command, but immediately to transport himself out of that kingdom; by which the king should lose the service of a person much the most powerful, most able, and most popular within that province; and who had, with wonderful courage and conduct, and almost miraculous success, hitherto restrained the rage and fury of the rebels, and indeed a man so accomplished, that he had either no enemies, or such who were ashamed to profess they were so.

314 Upon these considerations the king thought fit, for some time, till he might farther weigh the whole business, to suspend the earl of Leicester's journey: and therefore sent to him to Chester (where he had lain, in some indisposition of health, above a fortnight; and the ships being not yet come for his transportation) to attend his majesty at Oxford; which he did shortly after Christmas, and continued there; the king directing the earl of Ormond (whom about this time he made a marquis) to carry on the war as he had done; and, during the absence of the lord lieutenant, to dispose of all places and offices in the army which became void; and likewise making an alteration in the civil power; for whereas sir William Parsons and sir John Burlacy had continued lords justices from and before the death of the earl of Strafford, the king finding that sir William Parsons (who was a man of long experience in that kingdom, and confessed abilities, but always of suspected reputation) did him all imaginable disservice, and combined with the parliament in England, about this time removed sir William Parsons from that trust; and in his room deputed sir Harry Tichborne, a man of so excellent a fame, that though the parliament was heartily angry at the remove of the other, and knew this would never be brought to serve their turn, they could not fasten any reproach upon the king for this alteration.

315 Another circumstance must not be forgotten. After

the war broke out in England, the parliament had sent over a couple of their members of the commons (Mr. Raynolds and Mr. Goodwyn) as a committee into Ireland, to reside at Dublin, and had given direction to the lords justices, that they should have leave to be present at all their consultations; which they had; and were no other than spies upon those who should presume to deliver any opinions there not agreeable to the sense of the houses. When the king made that alteration in the government, he likewise took notice that strangers were admitted to be present at their debates, which had never been before practised; and therefore required them, that it might be so no more. Hereupon [the] committee, who had carried themselves very insolently and seditiously there, and with notable contempt of the king and his authority, were, by the lords justices and council, inhibited from being present at the council; and thereupon they quickly left the kingdom, and returned to London; the parliament unreasonably and impudently accusing the king of a new breach of privilege for this disrespect to their members. This was the state of Ireland, the war being that spring prosperously carried on by the marquis of Ormond, and the earl of Leicester still staying at Oxford with the title of lord lieutenant. And so we will return to Oxford and London.

316 Many days being past since the return of the committee of lords and commons from Oxford, with the king's answer to their propositions, and no reply being made by the houses, or indeed any solemn debate entered thereupon, (for his majesty had every day information of what passed amongst them, even in their most secret councils,) and, on the contrary, preparations more vigorously intended for the war than had been before, in sending out strong parties to infest the king's quarters, (for, besides the incursions and progress of sir William Waller, which are before remembered, Mr. Hambden

had made some attempts upon the Brill, a garrison of the king's upon the edge of Buckinghamshire, but without effect, and with some considerable loss,) in levying great numbers of men, for the recruiting the earl of Essex's army; and designing new extraordinary ways for the raising of money, and associating several counties of the kingdom, towards the raising new armies: the king, as well to have the conveniency of sending to London, (of which journeys he made good use,) as to quicken and necessitate them to some reply, sent another message to them, putting them in mind of the proposition he had made for a cessation of arms; and desired, "if they approved of a cessation, that the day upon which they thought fit it should begin, and such particulars, limits, and conditions of it, as were necessary to be understood and agreed on, before the cessation itself could actually begin, might be proposed by them. Since," his majesty said, "he supposed, by the present great preparations of several forces to march several ways, that, till all that should be agreed upon, they did not conceive themselves obliged to an actual cessation; so neither, till then, did his majesty conceive himself obliged to it: however, he wished it might be clearly understood between them, that no such imputations as had been formerly might be laid upon him upon occasion of any thing that might intervene."

- 317 This message put a necessity upon them of entering again upon the argument, and gave them, who desired peace and accommodation, an opportunity to press for the debate, which had been craftily laid aside for the despatch of other matters; that party, which was most deeply engaged in the war, and resolved to carry it on, having a notable dexterity in keeping those things from being debated, in which they found their sense would not prevail. And at this time the number of those in both houses who really desired the same peace the king did

was (if they had not been overwitted by them) superior to the other. For, besides that many persons who from the beginning had always dissented from them, for their ease and conveniency, had staid amongst them, very many were convinced in their understandings that they had been misled; and discerned, in what a bottomless gulph of misery the kingdom would be plunged if an immediate composure were not made; and some of those who had been as fierce as any, and given as great countenance to the kindling the fire, either out of conscience that they had done amiss, or fear that the king would prevail by power, or anger that they found other men valued above them; in their present distraction, or their natural inconstancy even in ill, were most solicitous for a treaty. So that, within few days after the receipt of this message, both houses agreed "that there should be a treaty, in which so much of the king's propositions as concerned the magazines, forts, and ships, and the proposition of both houses for the disbanding the armies, should be first treated on and concluded, before the proceeding to treat upon any of the other propositions; and that the treaty should begin the fourth of March, or sooner if it might be; and that from the beginning the time should not exceed twenty days."

318 The persons they made choice of to treat were the earl of Northumberland, the lord Say, Mr. Pierrepoint, sir William Armyn, sir John Holland, and Mr. Whitlock, for whose safe conduct they despatched a messenger to his majesty; this resolution being taken but the last day of February. As soon as the request was presented, the king returned a safe conduct for the earl of Northumberland and the four commoners; but refused to admit the lord Say to his presence, upon the same exception he had formerly refused sir John Evelyn at Colebrook; his lordship being personally excepted from pardon by a former proclamation; but signified, "that if they would employ

any other person not within the same rule, he should as freely come as if he were in the safe conduct."

319 Whether the lord Say was nominated by those who believed they should be able, upon the refusal of him, (which they could not but foresee,) to break off all overtures of farther treaty; or whether they believed they had so far prevailed by underhand negotiations at Oxford that he should be admitted, and that he would have been able to persuade the king to yield to what they proposed, or at least to have engaged the king to those who would have yielded to him, I know not; but as it was not so insisted on at Westminster as to break the treaty, so many were of opinion at Oxford that the king should have admitted him. They said, "he was a wise man, and could not but know, that it would not be possible for him to make any impression upon his majesty's judgment in the propositions in debate; and therefore that he would never have suffered himself to be designed to that negotiation, (which, without doubt, by his interest in both houses he might have prevented,) if he did not purpose to do some signal service to his majesty." And indeed many believed, "that if he had come, and found the king's goodness inclined to pardon and trust him, that he would have done the best he could to redeem his former breaches." Others were of opinion, "that he was so far from being inclined to serve the king, or advance the treaty, that he should have been sent as a spy, lest others should;" and these were the thoughts both at Oxford and London. But the king, who knew the lord Say as well as any of them, [and] believed that it was not in his power to do any good, and if it had, that it was not in his will, was resolved not to break his rule, lest such a remission might give advantage against him in the future: and so sent the answer above remembered. Together with this desire of a safe conduct, they sent his majesty word,

“ that they had likewise consented, that there should be a cessation of arms on either side, under the restrictions and limitations hereafter following :

320 1. “ That all manner of arms, ammunition, victuals, money, bullion, and all other commodities, passing without such a safe conduct as may warrant their passage, may be stayed and seized on, as if no cessation were agreed on.

2. “ That all manner of persons, passing without such a safe conduct as is mentioned in the article next going before, shall be apprehended, and detained, as if no such cessation were agreed on at all.

3. “ That his majesty’s forces in Oxfordshire should advance no nearer to Windsor than Wheatley, and in Buckinghamshire no nearer to Aylesbury than Brill ; and that in Berkshire the forces respectively shall not advance nearer the one to the other than now they are : and that the parliament forces in Oxfordshire shall advance no nearer to Oxford than Henley, and those in Buckinghamshire no nearer to Oxford than Aylesbury : and that his majesty’s forces shall make no new quarters above twelve miles from Oxford any way ; and the parliament forces shall take no new quarters above twelve miles from Windsor any way.

4. “ That no siege shall be begun or continued against Gloucester ; and that his majesty’s forces now employed in the siege shall return to Cirencester and Malmsbury, or to Oxford, as shall be most for their convenience ; and the parliament forces which are in Gloucestershire shall remain in the cities of Gloucester, Bristol, and the castle and town of Berkley, or retire nearer to Windsor, as they shall see cause : and that those of Wales, which are drawn to Gloucester, shall return to their quarters where they were before they drew down to Gloucestershire.

5. “ That in case it be pretended on either side that the cessation is violated, no act of hostility is immediately to follow, but first the party complaining is to acquaint the lord general on the other side, and to allow three days, after notice, for satisfaction ; and in case satisfaction be not given or accepted, then five days’ notice to be given, before hostility begin, and the like to be observed in the remoter armies by the commanders in chief.

- 321 6. "Lastly, that all other forces in the kingdom of England and dominion of Wales, not before mentioned, shall remain in the same quarters and places as they are at the time of publishing this cessation, and under the same conditions as are mentioned in the articles before. And that this cessation shall not extend to restrain the setting forth or employing of any ships for the defence of his majesty's dominions."
- 322 All which they desired "his majesty would be pleased to ratify and confirm; and that this cessation might begin upon the fourth of March next, or sooner if it might be; and continue until the five and twentieth of the same month; and in the mean time to be published on either side; and that the treaty might likewise commence upon the same day; and the continuance thereof not to exceed twenty days."
- 323 These propositions were delivered to his majesty on the first of March, which was almost a month after the cessation had been proposed by him, (for his propositions were made on the third of February,) which administered cause of doubt that the overture was not sincere; since it was hardly possible that the cessation could begin so soon as the fourth, by which time, though the king should consent to the terms proposed upon sight, his answer could very hardly be returned to them. But the articles themselves were such as occasioned much debate and difference of opinion amongst those who desired the same thing. The king, after the examination of them with his privy-council, and at a council of war, made a committee out of each, to consider the inconvenience his consent to them might produce to his party, if that cessation and treaty did not produce a peace; and the inequality in them, if the overture passed from an equal enemy according to the rules of war. Some were of opinion, "that the cessation should be consented to by the king, upon the articles proposed, though they should be thought unequal, not only because it would be an act of great grace and compassion to the people,

to give them some respite, and taste of peace, and the not consenting to it (the reason not being so easy to be understood) would be as impopular and ungracious; but that, they believed, it would at least cast the people into such a slumber, that much of their fury and madness would be abated; and that they would not be easily induced to part with the ease they felt, and would look upon that party as an enemy that robbed them of it; that it would give an opportunity of charitable intercourse, and revive that freedom of conversation, which, of itself, upon so great advantage of reason as they believed the king's cause gave, would rectify the understandings of many who were misled: but especially, that it would not only hinder the recruit of the earl of Essex's army, (for that no men would be so mad to declare themselves against the king when they saw a cessation in order to restoring the king to his rights,) but would lessen the forces he had already; in that the army consisted most of men engaged by the pay, not affection to the cause; who, upon such a remission of duty as would necessarily attend a cessation, would abandon a party which they foresaw, upon a peace, must be infamous, though it might be secure: and whereas all overtures of a treaty hitherto had advanced their levies upon pretence of being in a posture not to be contemned, they believed a real cessation would render those levies impossible."

- 324 Others thought "any cessation disadvantageous enough to the king; and therefore, that the terms upon which it was to be made were to be precisely looked to: that the articles proposed would only produce a suspension of present acts of hostility and blood amongst the soldiers; but gave not the least taste of peace or admitted the least benefit to the people; for that all intercourse and conversation was inhibited, insomuch as no person of the king's party, though no soldier, had liberty to

visit his wife or family out of the king's quarters during this cessation; and the hindering recruits could only prejudice the king, not at all the earl of Essex, who had at present a greater army than ever before; and the city of London was such a magazine of men as could supply him upon very small warning. Besides, though the state of the king's army and quarters about Oxford was such as might receive some advantage by a cessation; yet, in the west, it was hoped his affairs were in the bud; and the earl of Newcastle was so much master in the north, that if a peace ensued not, (which wise men did not believe was seriously intended on the parliament's part, by reason the propositions to be treated on were so unreasonable, and impossible to be consented to,) such a cessation would hinder the motion and progress of the earl's good fortune, and give time to the lord Fairfax, who was at present very low, to put himself into such a posture as might give new trouble." And it is certain the northern forces had then great dread of this cessation.

325 To these considerations was added another of greater moment, and which could be less answered or poised by any access of benefit or advantage on the king's party. Hitherto the parliament had raised their vast sums of money for the support of their army, (which could only be supported by constant great pay,) and the discharge of their other immense expenses incident to such a rebellion, from the city of London, and principally from their friends, not daring so rigidly to execute their ordinances generally, but contented themselves with some severe judgments upon particular men, whom they had branded with some extraordinary mark of malignancy, out of London, save only what they gleaned amongst their own zealots upon voluntary collections, and plundered by their army, which brought no supply to their common stock: and [of] what they imposed upon cities

and towns, in which they had garrisons, (in which they had been likewise very tender,) they had received very little; not venturing yet, by any general tax and imposition upon the people, to inflame them, and inform them how far they meant to invade their liberty and their property, with the jealousy whereof they had blown them up to all those swellings and seditious humours against the king; and apprehending, that if they should attempt that, any encouragement of strength from any of the king's armies would make the whole kingdom rise against them.

326 But now, after they had agreed to a treaty, and framed even articles for a cessation, they passed an ordinance for a weekly assessment throughout the kingdom towards the support of the war; by which was imposed upon the city of London the weekly sum of ten thousand pounds, and upon the whole kingdom no less than a weekly payment of thirty three thousand five hundred and eighteen pounds, amounting in the year to one million seven hundred forty-two thousand nine hundred thirty-six pounds; a prodigious sum for a people to bear who before this war thought the payment of two subsidies in a year, which in the best times never amounted to above two hundred thousand pounds, and never in our age to above a hundred and fifty, an insupportable burden upon the kingdom; and indeed had very seldom borne the same under all the kings that ever reigned.

327 For the speedy and exact collection whereof they appointed by the same ordinance commissioners in each county, such as were sufficiently inclined to and engaged in their designs. To this they added other ordinances, for exacting the twentieth. part, and other payments, throughout the kingdom; which had been only undergone (and that not generally) in London; and, above all, for the sequestering and seizing of the estates of all who adhered to the king. "Now if a cessation were consented to by the king, on the articles proposed, and thereby the

king's forces locked up within the several limits and narrow bounds in which they were contained, these ordinances might be executed throughout all their quarters: and thereby vast sums be raised. Their great association of Norfolk, Suffolk, Cambridge, Huntingdon, Bedford, and Essex, (in neither of which the king had any visible party or one fixed quarter,) upon which the apprehension of the earl of Newcastle's advance upon them kept them from notable pressures, would by this means yield them a great supply of men and money. In Somersetshire and Devonshire, whilst sir Ralph Hopton might hereby be kept from advancing, they might raise what they would, and might dispose of the stocks and personal estate of those whom they had and would declare to be malignant; and so this cessation, besides the damage and prejudice to the loyal party, would probably fill the rebels' coffers, the emptiness whereof was the most, if not only, probable way and means to determine the war."

328 These considerations made a deep impression upon those who believed the treaty was not like to produce a peace; the number of which was increased by a new resolution, at this time entered upon, and vigorously prosecuted, to fortify the city of London, and to draw a line about it; which was executed with marvellous expedition; which many believed would not have been then done, both for the charge and jealousy of it, if it had not been resolved it should not yet return to the king's obedience. And many persons of honour and quality about the king, who had given great life to his affairs, were so startled with the sense of it, that they addressed themselves together to his majesty, and besought him, "that they might not lose that now by an unequal cessation, which had been preserved for them during the license of hostility; and that his and their enemies might not be that way enabled to destroy them, which yet they durst not attempt to do." The king

hereupon, after solemn debate in council, the chief officers of his army being present, resolved to make such alterations in the articles as might make the terms a little more equal, at least prevent so intolerable disadvantages.

329 1. "To the first article as it was proposed by them, his majesty fully and absolutely consented.

330 2. "To the second likewise fully, as far as it concerned all officers and soldiers of the army; but proposed, that all other his subjects of what quality or condition soever, might, during the cessation, pass to and from the cities of Oxford or London, or any other parts of his majesty's dominions, without any search, stay, or imprisonment of their persons, or seizure and detention of their goods or estates: and that all manner of trade and commerce might be open and free between all his subjects, except between the officers and soldiers of either army, or for arms, ammunition, money, bullion, or victuals for the use of either army, without a pass or safe conduct;" which, his majesty told them, "would be a good beginning to renew the trade and correspondence of the kingdom, and whereby his subjects might be restored to that liberty and freedom they were born to, and had so happily enjoyed till these miserable distractions; and which, even during this war, his majesty had to his utmost laboured to preserve, opening the way, by most strict proclamations, to the passage of all commodities, even to the city of London itself."

331 3, 4, 5, 6. To these the king likewise consented, with two provisions: 1. "that such ships as were necessary to be set forth should be commanded by such persons as his majesty should approve of. 2. That, during the cessation, none of his subjects should be imprisoned otherwise than according to the known laws of the land, and that there should be no plundering or violence offered to any of his subjects."

332 The first of these was inserted, (without purpose of insisting on it,) lest by the king's consent to the article, in the terms it was proposed, he might be thought to consent in any degree to their usurpation of the naval authority. And the second was to prevent the execution

of the ordinances before mentioned. And his majesty told them,

333 “He hoped these small alterations would sufficiently manifest how solicitous he was for the good of his people, for whose liberties he should insist, when, in matters merely concerning himself, he might descend to easier conditions; and how desirous he was, that, in this unnatural contention, no more blood of his subjects might be spilt, upon which he looked with much grief, compassion, and tenderness of heart, even [on the blood] of those who had lifted up their hands against him. And therefore he doubted not but both houses would consent to them. However, if any scruples should be made, he was willing that the commissioners for the treaty might nevertheless immediately come to him, and so all matters concerning the cessation might be there settled between them.”

334 After this answer returned by the king, many days passed without any return to him; and in the mean time another address was made to his majesty, upon which the great managers at London had set their hearts more than upon the treaty; and for which indeed they deferred their treaty. They had still a great dependence and confidence upon their brethren of Scotland, and yet that people moved very slowly; and, since the earl of Essex had been settled in his winter quarters, there had been high quarrels between the English and Scotch officers, insomuch as, upon some reproachful words which had been cast out, many swords were one day drawn in Westminster-hall, when the houses were sitting, between them; and a little blood drawn, which (though the houses industriously laboured to compose [it] with declarations of their joint value and respect of that nation with their own, and that their deserts could only distinguish them) gave so great umbrage, that many of the Scots, some of eminent command, quit[ted] the service; and it was hoped it would have broke any farther national combination in mischief.

336. *The E. of Newcastle grants commissions to papists. (1643.)* 551

335 But the general inclination to rebellion mastered those particular considerations and disobligations; and, about the end of February, to facilitate the king's consent to the grand proposition for the extirpation of episcopacy, (which the two houses had been, by the arts before mentioned, wrought to make; when in truth there were very few of themselves desired it; as, when it passed the house of peers, there were but five lords present,) there arrived at Oxford the earl of Lowden, lord chancellor of Scotland, and Mr. Alexander Henderson, a man of equal fame in the distractions that arose in that kingdom: the former came as a commissioner from the lords of the secret council of that kingdom, or, as they then thought fit to call themselves, "the conservators of the peace between the two kingdoms;" and desired to pass as a mediator in the differences between the king and the two houses, and that the king would give them leave upon the matter to be umpires between them. The other, Mr. Henderson, had a special employment from the assembly of the kirk of Scotland, to present a petition from that body to the king; the which, because it was then thought of a very strange nature and dialect, and because I shall always report the acts of that nation (as far as I am obliged to mention them) in their own words, I think very convenient to insert in this place.

336 But it will be first necessary, for the better understanding one angry clause in it, to remember, that, when the earl of Newcastle marched into Yorkshire, upon occasion of some aspersions published against him by the lord Fairfax, that his army consisted only of papists, and that his design was to extirpate the protestant religion, the earl set forth a declaration of the reasons of his marching into that country, which was, upon the desire of the principal gentlemen, to rescue and protect them from the tyranny of the parliament; and then, taking notice of the scandalous imputations upon him in point

of religion, after he had vindicated himself from the least suspicion of inclination to popery, he confessed “he had granted commissions to many papists, which as he knew was in this case agreeable to the laws of the kingdom, so he believed it very agreeable to [the] present policy; and that the quarrel between the king and the two houses being not grounded upon any matter of religion, the rebels professing themselves to be of the same of which his majesty was clearly known to be, and the papists generally at this time appearing very loyal to him, which too many protestants were not, he thought their assistance might very fitly be made use of, to suppress the rebellion of the other.” And from thence these zealous Scots concluded that he preferred the papists in point of loyalty before the protestants; which was a calumny of so public a concernment, that they could not be silent in. Their petition follows in these words :

To the king's most excellent majesty.

337 *The humble petition of the commissioners of the general assembly of the kirk of Scotland met at Edinburgh, Jan. 4, 1643.*

“ Our silence, and ceasing to present before your majesty our humble thoughts and desires, at this time of common danger to religion, to your majesty's sacred person, your crown, and posterity, and to all your majesty's dominions, were impiety against God, unthankfulness and disloyalty against your majesty, and indirect approbation and hardening of the adversaries of truth and peace in their wicked ways, and cruelty against our brethren, lying in such depths of affliction and anguish of spirit; any one of which crimes were in us, above all others, unexcusable, and would prove us most unworthy of the trust committed unto us. The flame of this common combustion hath almost devoured Ireland, is now wasting the kingdom of England, and we cannot tell how soon it shall enter upon ourselves, and set this your majesty's most ancient and native kingdom on fire. If in this woful case, and lamentable condition of your majesty's dominions, all others should be silent, it behoveth us to speak : and if our

tongues and pens should cease, our consciences within us would cry out, and the stones in the streets would answer us.

338 “ Our great grief, and apprehension of danger, is not a little increased, partly by the insolency and presumption of papists, and others disaffected to the reformation of religion, who, although for their number and power they be not considerable amongst us, yet, through the success of the popish party in Ireland, and the hopes they conceive of the prevailing power of popish armies and the prelatical faction in England, they have of late taken spirit, and begun to speak big words against the reformation of religion, and the work of God in this land ; and partly, and more principally, that a chief praise of the protestant religion (and thereby our not vain, but just gloriation) is, by the public declaration of the earl of Newcastle, general of your majesty’s forces for the northern parts, and nearest unto us, transferred unto papists ; who, although they be sworn enemies unto kings, and be as infamous for their treasons and conspiracies against princes and rulers, as for their known idolatry and spiritual tyranny, yet are they openly declared to be not only good subjects, or better subjects, but far better subjects than protestants : which is a new and foul disparagement of the reformed religion, a notable injury to your majesty in your honour, a sensible reflection upon the whole body of this kingdom, which is impatient that any subjects should be more loyal than they ; but abhorreth, and extremely disdaineth, that papists, who refuse to take the oath of allegiance, should be compared with them in allegiance and fidelity ; and which (being a strange doctrine from the mouth or pen of professed protestants) will suffer a hard construction from all the reformed kirks.

339 “ We therefore, your majesty’s most humble and loving subjects, upon these and the like considerations, do humbly entreat, that your majesty may be pleased, in your princely wisdom, first to consider, that the intentions of papists, directed by the principles of their profession, are no other than they have been from the beginning, even to build their Babel, and to set up their execrable idolatry and antichristian tyranny, in all your majesty’s dominions ; to change the face of your two kingdoms of Scotland and England into the similitude of miserable Ireland ; which is more bitter to the people of God, your majesty’s good

subjects, to think upon, than death; and whatsoever their present pretences be, for the defence of your majesty's person and authority, yet, in the end, by their arms and power, with a displayed banner, to bring that to pass against your royal person and posterity, which the fifth of November, never to be forgotten, was not able by their subtile and undermining treason to produce; or, which will be their greatest mercy, to reduce your majesty and your kingdoms to the base and unnatural slavery of their monarch the pope: and next, that your majesty, upon this undeniable evidence, may timously and speedily apply your royal authority for disbanding their forces, suppressing their power, and disappointing their bloody and merciless projects.

340 “ And for this end, we are with greater earnestness than before constrained to fall down again before your majesty, and in all humility to renew the supplication of the late general assembly, and our own former petition in their name, for unity of religion and for uniformity of church-government in all your majesty's kingdoms, and, to this effect, for a meeting of some divines to be holden in England, unto which, according to the desire of your majesty's parliament, some commissioners may be sent from this kirk; that, in all points to be proponed and debated, there may be the greater consent and harmony. We take the boldness to be the more instant in this our humble desire, because it concerneth the Lord Jesus Christ so much in his glory, your majesty in your honour, the kirk of England (which we ought to tender as our own bowels, and whose reformation is more dear unto us than our lives) in her happiness, and the kirk of Scotland in her purity and peace; former experience and daily sense teaching us, that without the reformation of the kirk of England there is no hope or possibility of the continuance of reformation here.

341 “ The Lord of heaven and earth, whose vicegerent your majesty is, called for this great work of reformation at your hands; and the present commotions and troubles of your majesty's dominions are either [a] preparation, in the mercy of God, for this blessed reformation and unity of religion, (which is the desire, prayer, and expectation of all your majesty's good subjects in this kingdom,) or, which they tremble to think upon, and earnestly deprecate, are (in the justice of God, for the abuse of the gospel, the tolerating of idolatry and superstition, against

so clear a light, and not acknowledging the day of visitation) the beginning of such a doleful desolation, as no policy or power of man shall be able to prevent, and as shall make your majesty's kingdoms, within a short time, as miserable as they may be happy by a reformation of religion. God forbid that, whilst the houses of parliament do profess their desire of the reformation of religion in a peaceable and parliamentary way, and pass their bills for that end in the particulars, that your majesty, the nurse-father of the kirk of Christ, to whose care the custody and vindication of religion doth principally belong, should, to the provoking of the anger of God, the stopping of the influence of so many blessings from Heaven, and the grieving of the hearts of all the godly, frustrate our expectation, make our hopes ashamed, and hazard the loss of the hearts of all your good subjects; which, next unto the truth and unity of religion, and the safety of your kingdoms, are willing to hazard their lives and spend their blood for your majesty's honour and happiness.

342 " We are not ignorant that the work is great, the difficulties and impediments many; and that there be both mountains and lions in the way; the strongest let, till it be taken out of the way, is the mountain of prelacy: and no wonder, if your majesty consider how many papists and popishly affected have for a long time found peace and ease under the shadow thereof; how many of the prelatical faction have thereby their life and being; how many profane and worldly men do fear the yoke of Christ, and are unwilling to submit themselves to the obedience of the gospel; and how many there be, whose eyes are dazzled with the external pomp and glory of the kirk, whose minds are miscarried with a conceit of the governing of the kirk by the rules of human policy, and whose hearts are affrighted with the apprehensions of the dangerous consequences which may ensue upon alterations. But when your majesty, in your princely and religious wisdom, shall remember, from the records of former times, how against the gates of hell, the force and fraud of worldly and wicked men, and all panic fears of danger, the Christian religion was first planted, and the Christian kirk thereafter reformed: and, from the condition of the present times, how many, from the experience of the tyranny of prelates, are afraid to discover themselves, lest they be revenged upon them hereafter, (whereas prelacy being removed, they would openly profess what they are,

and join with others in the way of reformation,) all obstacles and difficulties shall be but matter of the manifestation of the power of God, the principal worker, and the means of the greater glory to your majesty, the prime instrument.

343 “The intermixture of the government of prelates with the civil state, mentioned in your majesty’s answer to our former petition, being taken away, and the right government by assemblies, which is to be seen in all the reformed kirks, and wherein the agreement will be easy, being settled; the kirk and religion will be more pure, and free from mixture, and the civil government more sound and firm. That government of the kirk must suit best with the civil state, and be most useful for kings and kingdoms, which is best warranted by God, by whom kings do reign and kingdoms are established. Nor can a reformation be expected in the common and ordinary way, expressed also in your majesty’s answer. The wisest and most religious princes have found it impossible, and implying a repugnancy, since the persons to be reformed and the reformers must be diverse; and the way of reformation must be different from the corrupt way, by which defection of workmen, and corruption in doctrine, worship, and government, have entered into the kirk. Suffer us therefore, dread sovereign, to renew our petitions for this unity of religion and uniformity of kirk-government, and for a meeting of some divines of both kingdoms, who may prepare matters for your majesty’s view, and for the examination and approbation of more full assemblies. The national assembly of this kirk, from which we have our commission, did promise, in their thanksgiving for the many favours expressed in your majesty’s letter, their best endeavour to keep the people under their charge in unity and peace, and in loyalty and obedience to your majesty and your laws; which we confess is a duty well beseeeming the preachers of the gospel.

344 “But we cannot conceal how much both pastors and people are grieved and disquieted with the late reports of the success, boldness, and strength of popish forces in Ireland and England; and how much danger, from the power of so malicious and bloody enemies, is apprehended to the religion and peace of this kirk and kingdom, conceived by them to be the spring whence have issued all their calamities and miseries. Which we humbly remonstrate to your majesty as a necessity requiring a general

assembly, and do earnestly supplicate for the presence and assistance of your majesty's commissioners at the day to be appointed; that, by universal consent of the whole kirk, the best course may be taken for the preservation of religion, and for the averting of the great wrath which they conceive to be imminent to this kingdom. If it shall please the Lord, in whose hand is the heart of the king, as the rivers of waters, to turn it whithersoever he will, to incline your majesty's heart to this through reformation; no more to tolerate the mass, or any part of Romish superstition or tyranny; and to command that all good means be used for the conversion of your princely consort, the queen's majesty, (which is also the humble desire of this whole kirk and kingdom,) your joint comforts shall be multiplied above the days of your affliction, to your incredible joy; your glory shall shine in brightness above all your royal progenitors, to the admiration of the world and the terror of your enemies; and your kingdoms so far abound in righteousness, peace, and prosperity, above all that hath been in former generations, that they shall say, *It is good for us that we have been afflicted.*"

- 345 This petition was not stranger in itself than in the circumstances that attended it; for it was no sooner (if so soon) presented to the king, than it was sent to London, and printed, and communicated with extraordinary industry to the people; that they might see how far the Scotch nation would be engaged for the destruction of the church; and the messenger who presented it, Mr. Henderson, confessed to his majesty, that he had three or four letters to the most active and seditious preachers about London, from men of the same spirit in Scotland. Upon this provocation, the king might have very reasonably proceeded against Mr. Henderson, who was neither included in his safe conduct, (as the lord Lowden and the rest of the commissioners were,) nor had any authority from the lords of the council of that kingdom, (who were qualified with large powers,) to countenance his employment; being sent only from the commissioners of the general assembly, (who were not authorized by their own constitutions to

make any such declaration,) and there being then no assembly sitting; which itself, with all their new privileges, could not with any colour of reason or authority have transacted such an instrument. However the king, who well knew the interest and influence the clergy had upon the people of that kingdom; and that, whilst they pretended to remove them from all secular employment, they were the principal instruments and engines by which the whole nation was wrought to sedition; resolved, not only to use the person of Mr. Henderson very graciously, and to protect him from those affronts which he might naturally expect in a university, (especially, having used some grave and learned doctors with great insolence, who went civilly to him to be informed what arguments had prevailed with him to be so professed an enemy to the church of England, and to give him some information in the argument; with whom he superciliously refused to hold any discourse,) but to return an answer with all possible candour to the petition itself; and so, before he entered upon the other address, made by the lord Lowden and the rest, he returned (after very solemn debates in council, where the earl of Lanrick the secretary for Scotland, and other lords of Scotland, who were of the privy-council, were present, and fully concurred, with many expressions of their detestation of the manners of their countrymen, yet with assured confidence that they would not be corrupted to any act of hostility) to Mr. Henderson, and, with all expedition, by other hands into Scotland, this answer; which likewise I think fit to insert in the very words, that posterity may know how tender and provident the king always was, to prevent any misunderstanding of him and his actions with that people; and consequently any commotions in that kingdom; which was the only thing he feared might contribute to and continue the distractions in this.

346 *His majesty's answer to a late petition presented unto him by the hands of Mr. Alexander Henderson, from the commissioners of the general assembly of the church of Scotland.*

“ We received lately a petition from you, by the hands of Mr. Alexander Henderson, to the which we intended to have given an answer as soon as we had transacted the business with the other commissioners addressed to us from the conservators of the treaty of that our kingdom. But finding the same to be published in print, and to be dispersed throughout our kingdom, to the great danger of scandalizing of our well affected subjects, who may interpret the bitterness and sharpness of some expressions not to be so agreeable to that regard and reverence which is due to our person, and the matter itself to be reproachful to the honour and constitution of this kingdom; we have been compelled the more strictly to examine, as well the authority of the petitioners, as the matter of the petition itself, and to publish our opinion of both, that our subjects of both kingdoms may see how equally just and sensible we are of the laws and honour of both our kingdoms.

347 “ And first, upon perusal of the petition, we required to see the commission by which the messenger who brought this petition, or the persons who sent him, are qualified to intermeddle in affairs so foreign to their jurisdiction, and of so great concernment to this our kingdom of England. Upon examination whereof, and in defence of the laws and government of this our kingdom, which we are trusted and sworn to defend, we must profess that the petitioners, or the general assembly of our church of Scotland, have not the least authority or power to intermeddle or interpose in the affairs of this kingdom or church; (which are settled and established by the proper laws of this land, and, till they be altered by the same competent power, cannot be inveighed against without a due sense of us and this nation; much less can they present any advice or declaration to our houses of parliament against the same;) or, to that purpose, to send any letters, as now they have done, to any ministers of our church here; who, by the laws of this land, cannot correspond against the same.

348 “ Therefore we do believe that the petitioners, when they shall consider how unwarranted it is by the laws of that king-

dom, and how contrary it is to the laws of this, to the professions they have made to each other, and how unbecoming in itself, for them to require the ancient, happy, and established government of the church of England to be altered, and conformed to the laws and constitutions of another church, will find themselves misled by the information of some factious persons here, who would willingly engage the petitioners to foment a difference and division between the two kingdoms, which we have, with so much care and industry, endeavoured to prevent; not having laboured more to quench the combustion in this kingdom, than we have to hinder the like from either devouring Ireland or entering into Scotland; which, if all others will equally labour, will undoubtedly be avoided. But we cannot so easily pass over the mention of Ireland, being moved to it by the scandalous aspersions that have been often cast upon us upon that subject, and the use that hath been made of the woful distractions of that kingdom, as of a seminary of fears and jealousies, to beget the like distractions in this; and, which lest they may have farther influence, we are the more willing to make our innocence appear in that particular.

349 “ When first that horrid rebellion began, we were in our kingdom of Scotland; and the sense we had then of it, the expressions we made concerning it, the commissions, together with some other assistance, we sent immediately into that kingdom, and the instant recommendation we made of it to both our houses of parliament in England are known to all persons of quality there and then about us. After our return into England, our ready concurring to all the desires of both houses that might most speedily repress that rebellion, by passing the bill of pressing, and in it a clause which quitted a right challenged by all and enjoyed by many of our predecessors; by parting with our rights in the lands escheated to us by that rebellion, for the encouragement of adventurers; by emptying of our magazines of arms and ammunition for that service, (which we have since needed for our necessary defence and preservation;) by consenting to all bills for the raising of money for the same, though containing unusual clauses, which trusted both houses without us with the manner of disposing it; our often pressing both houses, not to neglect that

kingdom, by being diverted by considerations and disputes less concerning both kingdoms: our offer of raising ten thousand volunteers to be sent thither, and our several offers to engage our own royal person in the suppression of that horrid rebellion, are no less known to all this nation, than our perpetual earnestness, by our foreign ministers, to keep all manner of supplies from being transported for the relief of the rebels, is known to several neighbouring princes; which if all our subjects will consider, and withal how many of the men, and how much of the money raised for that end, and how much care, time, and industry have been diverted from that employment, and employed in this unnatural war against us, (the true cause of the present misery and want which our British armies there do now endure,) they will soon free us from all those imputations so scandalously and groundlessly laid upon us, and impute the continuance of the combustion of that miserable kingdom, the danger it may bring upon our kingdoms of England and Scotland, and the beginning of this doleful desolation, to those who are truly guilty of it.

350 “ For unity in religion, which is desired, we cannot but answer, that we much apprehend lest the papists may make some advantage of that expression, by continuing that scandal with more authority, which they have ever heretofore used to cast upon the reformation, by interpreting all the differences in ceremony, government, or indifferent opinions between several protestant churches, to be differences in religion; and lest our good subjects of England, who have ever esteemed themselves of the same religion with you, should suspect themselves to be esteemed by you to be of a contrary; and that the religion which they and their ancestors have held, ever since the blessed reformation, and in and for which they are resolved to die, is taxed and branded of falsehood or insufficiency by such a desire.

351 “ For uniformity in church-government, we conceived the answer formerly given by us (at Bridgenorth, 13th October, 1642) to the former petition in this argument, would have satisfied the petitioners; and is so full, that we can add little to it; viz. that the government here established by the laws hath so near a relation and intermixture with the civil state, (which may be unknown to the petitioners,) that till a com-

posed, digested form be presented to us, upon a free debate of both houses in a parliamentary way, whereby the consent and approbation of this whole kingdom may be had, and we and all our subjects may discern what is to be left in or brought in, as well as what is to be taken away; we know not how to consent to any alteration, otherwise than to such an act, for the ease of tender consciences in the matter of ceremonies, as we have often offered; and that this, and any thing else that may concern the peace of the church, and the advancement of God's true religion, may be soberly discussed, and happily effected, we have formerly offered, and are still willing, that debates of that nature may be entered into by a synod of godly and learned divines, to be regularly chosen according to the laws and customs of this kingdom: to which we shall be willing that some learned divines of our church of Scotland be likewise sent, to be present, and offer, and debate their reasons. With this answer the petitioners had great reason to acquiesce, without enlarging the matter of their former petition only with bitter expressions against the established government and laws of their neighbour nation, (as if it were contrary to the word of God,) with whom they have so lately entered into a strict amity and friendship.

352 “ But we cannot enough wonder that the petitioners should interpose themselves, not only as fit directors and judges between us and our two houses of parliament, in business so wholly concerning the peace and government of this our kingdom, and in a matter so absolutely intrusted to us, as what new laws to consent or not to consent to; but should assume, and publish, that the desire of reformation in this kingdom is in a peaceable and parliamentary way; when all the world may know, that the proceedings here have been, and are, not only contrary to all the rules and precedents of former parliaments, but destructive to the freedom, privilege, and dignity of parliaments themselves: that we were first driven by tumults, for the safety of our life, from our cities of London and Westminster; and have been since pursued, fought withal, and are now kept from thence by an army, raised and paid, as is pretended, by the two houses, which consist not of the fourth part of the number they ought to do; the rest being either driven from thence by the same violence, or expelled, or imprisoned,

for not consenting to the treasons and unheard of insolencies practised against us. And if the petitioners could believe these proceedings to be in a peaceable parliamentary way, they were very unacquainted with the order and constitution of this kingdom, and not so fit instruments to promote that reformation and peace they seem to desire.

353 “ We cannot believe the intermixture of the present ecclesiastical government with the civil state to be other than a very good reason, and that the government of the church should be by the rules of human policy to be other than a very good rule, unless some other government were as well proved, as pretended, to be better warranted by the word of God.

354 “ Of any bills offered us for reformation we shall not now speak, they being a part of those articles upon which we have offered and expect to treat: but cannot but wonder by what authority you prejudge our judgment herein, by denouncing God’s anger upon us, and our hazard of the loss of the hearts of all our good subjects, if we consent not unto them. The influence of so many blessings from Heaven upon the reigns of queen Elizabeth and our father of blessed memory, and the acknowledgment of them by all protestant churches to have been careful nurses of the church of Christ, and to have excellently discharged their duties in the custody and vindication of religion, and the affection of their subjects to them, do sufficiently assure us, that we should neither stop the influence of such blessings, nor grieve the hearts of all the godly, nor hazard the loss of the hearts of our good subjects, although we will still maintain, in this kingdom, the same established ecclesiastical government which flourished in their times and under their special protection.

355 “ We doubt not but our subjects of Scotland will rest abundantly satisfied with such alterations in their own church as we have assented unto; and not be persuaded by a mere assertion, that there is no hope of the continuance of what is there settled by law, unless that be likewise altered which is settled here. And our subjects of England will never depart from their dutiful affection to us, for not consenting to new laws, which, by the law of the land, they know we may as justly reject, if we approve not of them, as either house hath power to prepare for, or both to propound to us. Nor are you a little mistaken, if either you

believe the generality of this nation to desire a change of church-government, or that most of those who desire it, desire by it to introduce that which you only esteem a reformation; but are as unwilling to submit to what you call the yoke of Christ, and obedience to the gospel, as those whom you call profane and worldly men; and so equally averse both to episcopacy and presbytery, that, if they should prevail in this particular, the abolition of the one would be no inlet to the other; nor would your hearts be less grieved, your expectations less frustrated, your hopes less ashamed, or your reformation more secured. And the petitioners, upon due consideration, will not find themselves less mistaken in the government of all the reformed churches, which, they say, is by assemblies, than they are in the best way of a reformation; which sure is best to be in a common and ordinary way, where the passion or interest of particular men may not impose upon the public; but alteration be then only made, when, upon calm debates, and evident and clear reason and convenience, the same shall be generally consented to for the peace and security of the people; and those who are trusted by the law with such debates, are not divested of that trust, upon a general charge of corruptions, pretended to have entered by that way; and of being the persons to be reformed, and so unfit to be reformers. And certainly the like logic, with the like charges and pretences, might be used to make the parliament itself an incapable judge of any reformation either in church or state.

356 “ For the general expressions in the petition against papists, in which the petitioners may be understood to charge us with compliance and favour even to their opinions; we have taken all occasions to publish to the world our practice and resolution in the true protestant reformed religion: and we are verily persuaded, there is no one subject in either of our dominions, who at all knows us, and hath observed our life, but is, in his soul, satisfied of our constant zeal and unmovable affection to that religion, and of our true dislike of and hearty opposition to popery. And as we willingly consented, at our being in Scotland, to all acts proposed to us for the discountenancing and reforming the papists in that our kingdom; so, by our proclamations for the putting of all laws severely in execution against recusants; and by not refusing any one bill presented to us to

that purpose in this kingdom ; and by our perpetual and public professions of readiness, with the advice of our two houses of parliament, prepared for us in a deliberate and orderly way, to find some expedient to perfect so good a work ; we conceived we had not left it possible for any man to believe us guilty of tolerating any part of the Romish tyranny or superstition ; or to suspect, that the conversion of our dearest consort was not so much our desire, that the accession of as many crowns as God hath already bestowed on us would [not] be more welcome to us than that day ; a blessing which it is our daily prayer to the Almighty to bestow upon us.

357 “ But we might well have expected from the petitioners, who have in their solemn national covenant literally sworn so much care of the safety of our person, and cannot but know in how much danger that hath been, and still is, by the power and threats of rebellious armies, that they would as well have remembered the 23rd of October as the 5th of November ; and as well have taken notice of the army raised and led against us by the earl of Essex, which hath actually assaulted, and endeavoured to murder us ; which we know to abound in Brownists, anabaptists, and other sectaries ; and in which we have reason (by the prisoners we have taken, and the evidence they have given) to believe there are many more papists (and many of those foreigners) than in all our army ; as have advised us to disband out of the army of the earl of Newcastle, which is raised for our defence, the papists in that army ; who are known to be no such number as to endanger their obtaining any power of building their Babel, and setting up their idolatry ; and whose loyalty he hath reason to commend, (though he was never suspected for favouring their religion,) not before that of protestants, but of such as rebel under that title ; and whose assistance is as due to us, by the law of God and man, to rescue us from domestic rebellion, as to defend us from foreign invasion ; which we think no man denies to be lawful for them to do. But we do solemnly declare and protest, that God shall no sooner free us from the desperate and rebellious arms taken up against us, but we shall endeavour to free ourselves and kingdom from any fear of danger from the other by disarming them according to the laws of the land ; as we shall not fail to send our commissioners to the assembly at the time appointed for it by the laws of Scotland.

358 To conclude, we desire and require the petitioners (as becomes

good and pious preachers of the gospel) to use their utmost endeavours to compose any distraction in opinions, or misunderstandings, which may by the faction of some turbulent persons be raised in the minds of our good subjects of that our kingdom; and to infuse into them a true sense of charity, obedience, and humility, the great principles of Christian religion; that they may not suffer themselves to be transported with things that they do not understand, or think themselves concerned in the government of another kingdom, because it is not according to the customs of that in which they live; but that they dispose themselves with modesty and devotion to the service of Almighty God, with duty and affection to the obedience of us and our laws, (remembering the singular grace, favour, and benignity we have always expressed to that our native kingdom,) and with brotherly and Christian charity one towards another: and we doubt not but God, in his mercy to us and them, will make us instruments of his blessings upon each other, and both of us in a great measure of happiness and prosperity to the whole nation."

359 The lord Lowden and the other lay-commissioners, who were persons entirely guided by him, and of inferior quality, gave the precedence to this petition, which they called matter of religion; and pressed not their own commission till the king had declared and published his answer to that: and though they pretended not to have any authority to say any thing in that engagement of the commissioners of the assembly; yet the lord Lowden used all importunity and arguments to persuade the king in private to consent to the alteration of the government of the church; assuring him, "that it would be a means, not only to hinder his subjects of Scotland from adhering to the parliament; but that it would oblige them to assist his majesty to the utmost in the full vindication of all his rights." But he quickly found the king too strongly fixed to be swayed in a case of conscience by a consideration of convenience; and his lordship undertook to give no other arguments.

360 He betook himself then with his companions to their own proper and avowed errand; which consisted of two parts: the one, to offer "the mediation of the conservators of the peace of that kingdom, for the composure of the differences between the king and the two houses;" the other, "to desire his majesty, that he would send out his precepts to summon a parliament in Scotland." These desires, and any arguments to enforce them, they always delivered to the king himself in writing; declining any address to his ministers, or any debates with his council, lest it might seem to lessen the grandeur and absoluteness of the kingdom of Scotland. But the king always brought those papers which he received from them to his council, and received their advice what answers to return. For the first, of mediation, they pretended a title and obligation to it, by a clause in the act of pacification made at the beginning of this parliament; which clause was,

361 "That the peace to be then established might be inviolably observed in all time to come, it was agreed, that some should be appointed by his majesty and the parliaments of both kingdoms, who, in the interim betwixt the sitting of the parliaments, might be careful that the peace then happily concluded might be continued; and who should endeavour by all means to prevent all troubles and divisions; and if any debate and difference should happen to arise, to the disturbance of the common peace, they should labour to remove or compose them, according to their power; it being supposed, that for all their proceedings of this kind they should be answerable to the king's majesty and the parliaments: and if any thing should fall out that should be above their power, and could not be remedied by them, they should inform themselves in the particulars, and represent the same to the king's majesty and the ensuing parliament; that, by their wisdoms and authority, all occasion and causes of troubles might be removed, and the peace of the kingdom might be perpetual to all posterity. And it was declared, that the power of the commission should be restrained to the articles of peace in that treaty."

362 This clause, and the whole statute, being carefully perused, and examined before his majesty in his council, the king returned an answer to them in writing,

363 “ That he could not find any colour or pretence of authority to be granted by that act of parliament, by which the commissioners for Scotland could conceive themselves interested in a faculty of mediation ; that the clause mentioned by them (besides that there was no such commission granted as was mentioned in that clause, nor any commissioners named for those purposes) related only to the differences that might grow between the two nations ; and only upon the articles of that treaty, which, his majesty said, had been and should be inviolably observed by him. That the differences between his majesty and his two houses of parliament had not the least relation to the peace between the two kingdoms, but to the unquestionable and long enjoyed rights of his, which his rebellious subjects endeavoured, by force, to wrest from him ; and concerned the fundamental laws of this kingdom ; which, as they could not be supposed to be known to the conservators of the peace of Scotland, so they could not have any possible consusance of them. That it might give great umbrage to his subjects of England if he should consent to what they now proposed, and, instead of confirming and continuing the peace, breed jealousies between the nations ; and therefore he could not admit of any such mediation as they proposed ; but that he hoped the treaty, which he now expected, would beget so good an understanding between him and his two houses, that a peace might ensue ; towards which he would expect nothing from his subjects of Scotland but their prayers.”

364 This gave them no satisfaction, but they insisted still on their right by that clause ; which, without any reason or argument to persuade others to be of their mind, they said, “ they conceived, laid that obligation upon them of interposition ;” to which the king still gave the same answer.

365 For their other demand of a parliament in Scotland, the case stood thus : The king, at his last being in Scotland, had, according to the precedent he had made here, granted

an act for triennial parliaments in that kingdom; and at the close of that present parliament had ratified another act, by which a certain day was appointed for the commencement of the next; which day was to be on the first Tuesday of June in the year 1644, except the king should call one sooner; which he had power to do. So that the question was only, whether the calling a parliament sooner in that kingdom was like to advance his service, and to contribute to the peace of this? In the disquisition whereof, there needed no arguments, that such a convention could not then produce benefit to the king; the entire government of that people being in those persons who had contrived those dismal alterations. On the other hand, all men thought it very happy for the king, that, without his consent, there could be no parliament in Scotland till June 1644; which was more than fourteen months from this time: till when, how disinclined soever the whole nation should be, there was as much assurance as could possibly be, from that people, that the parliament would not be able to procure any avowed supply from that kingdom: it being the express words in the late act of pacification, "that the kingdom of England should not denounce or make war against the kingdom of Scotland without consent of the parliament of England;" as on the other part it was enacted, "that the kingdom of Scotland should not denounce or make war against the kingdom of England without the consent of the parliament of Scotland. And in case any of the subjects of either of the kingdoms should rise in arms, or make war against the other kingdom, or subjects thereof, without consent of the parliament of that kingdom whereof they are subjects, or upon which they do depend, that they should be held, reputed, and demanded, as traitors to the estates whereof they are subjects. And, that both the kingdoms, in that case, should be bound to concur in the repressing of those that should happen to

arise in arms, or make war, without consent of their own parliament."

366 So that whoever believed that those people could be contained by any obligations, divine or human, thought it impossible, by these clear texts, that any forces could be raised there to invade England, and disturb his majesty, till June 1644; before which time there was hope the king might so far prevail, that the spirit of the rebellion might be broken, and men return again to their understanding and allegiance. Therefore to that demand the king returned answer, "that against the time by which they could legally demand a parliament," (naming the day,) "he would issue out his writs, and there being no emergent cause to do it sooner, he would forbear to put his subjects there to that trouble, which those meetings, how necessary soever, would naturally carry with them."

367 When they perceived that they should not receive satisfaction in either of their proposals, and (which it may be troubled them more) that the king was so wary in his answers, and so clearly expressed the reasons and justice of them, that they should have no arguments to apply to the passion or interest of their countrymen; which they expected at least; (for in that, in which he was most steadfastly resolved, the preservation of the government of the church, he expressed no more to them, than, "that being a matter of so great importance, and having so near relation to the civil government and laws of England, they could not be competent considerers of it; but that he would do what should be most safe, and necessary for the peace and welfare of his subjects, who were most concerned in it;") at last, rather cursorily, and as matter of ceremony at parting, than of moment, they desired "the king's leave and pass to go to London;" having, as they said, "some business there before their return into their own country."

368 This was by many thought a thing of so small moment, that the king should readily grant it; since it was evident that it was in their own power to go thither without his leave; for they were necessarily to return through the enemy's quarters; and being once there, they might choose whether they would go directly home or visit London. And therefore that request was thought but an instance of their modesty, that they might not return without one thing granted to them at their request. But the king looked upon it as no indifferent thing; and their asking a business that they need[ed] not ask, was enough to demonstrate that there was more in it than appeared. And he well knew there was a great difference between their going to London with his pass and license, and without it, which they might easily do. They had now publicly declared their errand, and claimed a title and legal capacity to undertake the business of mediation; which would be so far from being rejected there, that they would be thankfully received, and admitted to a power of umpirage. If upon or after this claim the king should grant them his pass, it would, by their logic, more reasonably conclude his assent, than many of those inferences which they drew from more distant propositions; and having that ground once, his majesty's not consenting to what those grave mediators would propose, and afterwards, as arbitrators, award, should be quarrel sufficient for the whole nation to engage. And therefore the king expressly denied his pass and safe conduct; and told them plainly the reason why he did so; and required them, "since he had denied to consent to that which could be the only ground of their going to London, that they should first return to those that sent them before they attempted that journey: if they did otherwise, they must run the hazard of persons whom his majesty would not countenance with his protection." And the truth is, though they might very well have gone to London, they

could not have returned from thence to Scotland, (except they would have submitted to the inconvenience and hazard of a voyage by sea,) without so much danger from the king's quarters in the north, (York and Newcastle being at his devotion,) that they could not reasonably promise themselves to escape.

369 Whilst this was in agitation, the committee from the parliament for the treaty, to wit, the earl of Northumberland, Mr. Pierrepont, sir W. Armyn, sir John Holland, and Mr. Whitlock, came to Oxford; who shortly took notice of the Scotch commissioners' desires, and [also] desired [on their behalf], "that they might have his majesty's leave to go to London:" but being quickly answered, "that that request would not fall within either of the propositions agreed to be treated of," they modestly gave over the intercession: and in the end, the lord Lowden and his countrymen returned directly to Scotland, staying only so long in the garrisons of the enemy, through which they were reasonably to pass, as to receive such animadversions, and to entertain such communication, as they thought most necessary.

370 As soon as the committee arrived at Oxford, they were very graciously received by the king; his majesty always giving them audience in council, and they withdrawing into a private chamber prepared for them, whilst their proposals, which they still delivered in writing, were considered and debated before the king. They declared, "that they were first to treat of the cessation, and till that was concluded, that they were not to enter upon any of the other propositions;" with which his majesty was well pleased, presuming that they had brought, or had power to give, consent to the articles proposed by him; which he the rather believed when they read the preamble to the articles; in which it was declared, "that the lords and commons, being still carried on with a vehement desire of peace, that so the kingdom

might be freed from the desolation and destruction wherewith it was like to be overwhelmed, had considered of the articles of cessation with those alterations and additions offered by his majesty; unto which they were ready to agree in such manner as was expressed in the ensuing articles." After which were inserted the very articles had been first sent to the king, without the least condescension to any one alteration or addition made by him; neither had the committee power to recede, or consent to any alteration, but only to publish it, if the king consented in terms, and then, and not till then, to proceed to treat upon the other propositions.

37¹ This the king looked on as an ill omen; other men as a plain contempt, and stratagem, to make the people believe, by their sending their committee, that they did desire a treaty and a cessation, yet, by limiting them so strictly, to frustrate both, and to cast the envy of it upon the king. Hereupon, the next day, the king sent a message to them, which he published, to undeceive the people; farther pressing the weight and consequence of his former exceptions and alterations; and the inconvenience that proceeded from not granting their committee power to alter so much as verbal expressions: so that, if the king should consent to the articles as they were proposed, he should not only submit to great disadvantages, but some such as themselves would not think reasonable to oblige him to. As by that article wherein they reserved a power to send out a fleet, or what ships they thought good, to sea, they were not at all restrained from sending what land forces they pleased to any part of the kingdom; so that, when the cessation ended, they might have new and greater armies throughout the kingdom than they had when it began; which, he presumed, they did not intend; being a thing so unequal, and contrary to the nature of a cessation.

37² Then in the articles they last sent, they styled their

The committee object to the king's limitations

forces, *the army raised by the parliament*; the which if his majesty should consent to, he must acknowledge, either that he consented to the raising that army, or that he was no part of the parliament: neither of which, he conceived, they would oblige him to do. And therefore he desired that their committee might have liberty to treat, debate, and agree upon the articles; upon which they and all the world should find, that he was less solicitous for his own dignity and greatness, than for his subjects' ease and liberty. But if that so reasonable, equal, and just desire of his should not be yielded unto, but the same articles still insisted upon, though his majesty, next to peace, desired a cessation, yet, that the not agreeing upon the one might not destroy the hopes of nor so much as delay the other, he was willing to treat, even without a cessation, upon the propositions themselves, in that order that was agreed; and desired their committee might be enabled to that effect. In which treaty he would give, he said, all his subjects that satisfaction, that if any security to enjoy all the rights, privileges, and liberties, due to them by the law, or that happiness in church and state, which the best times had seen, with such farther acts of grace as might agree with his honour, justice, and duty to his crown, and which might not render him less able to protect his subjects, according to his oath, would satisfy them; his majesty was confident, in the mercy of God, that no more precious blood of this nation would be thus miserably spent.

373 This message produced liberty to the committee enter upon the treaty itself, upon the propositions, though the cessation should not be agreed to; and shortly after they sent reasons to the king, why they consented not to the cessation in such manner and with those limitations as he had proposed:

374 1. They alleged, "that if they should grant such a free-

as the king desired, to Oxford, and other places, where his forces lay, it would be very difficult, if not impossible, to keep arms, ammunition, money, and bullion, from passing to his army: however, it would be exceeding advantageous to his majesty, in supplying his army with many necessaries, and making their quarters a staple for such commodities as might be vented in the adjacent counties; and so draw money thither; whereby the inhabitants would be better enabled, by loans and contributions, to support his army. As this advantage to him was very demonstrable, so it was very improbable that it would produce any supply to them; and, in a treaty for a cessation, those demands could not be thought reasonable that were not indifferent, that is, equally advantageous to both parties. 2. That to demand the approving the commanders of the ships, was to desire [to add] the strength of the one party to the other before the differences were ended; against all rules of treaty. And to make a cessation at sea, was to leave the kingdom naked to foreign forces, and the ports open for his supplies of arms and ammunition. But for conveying any forces, by those means, from one part to another, they would observe the articles by which that was restrained. 3. For the expression of *the army raised by the parliament*, they were contented it should be altered, and the name of the two houses used. 4. For the committing none but according to the known laws of the land, that is, by the ordinary process of law, it would follow, that no man must be committed by them for supplying the king with arms, money, or ammunition; for, by the law of the land, the subject might carry such goods from London to Oxford: the soldiers must not be committed who do run from their colours, and refuse any duty in the army; no man should be committed for not submitting to necessary supplies of money: so that if it should be yielded to, in his majesty's sense, they should be disabled to restrain supplies from their enemies, and to govern and maintain their own soldiers; and so, under a disguise of a cessation, should admit that which would necessarily produce the dissolving of their army and destruction of their cause. And," they said, "it was not probable that his majesty would suffer the same inconveniences by that clause; for that they believed he would interpret, that what his general did by virtue of his commission was and would be done according to the known laws of the land;

whereas he had denied, that those known laws gave any power to the two houses of parliament to raise armies ; and so, consequently, their general could not exercise any martial law. So that, under the specious show of liberty and law, they should be altogether disabled to defend their liberties and laws, and his majesty would enjoy an absolute victory and submission under pretence of a cessation and treaty." They said, " being, by a necessity inevitable, enforced to a defensive war, and therein warranted both by the laws of God and man, it must needs follow, that, by the same law, they were enabled to raise means to support that war ; and therefore they could not relinquish that power of laying taxes upon those who ought to join with them in that defence, and the necessary way of levying those taxes upon them, in case of refusal ; for otherwise their army must needs be dissolved."

375 Though these reasons were capable, in a sad and composed debate, of full answers, and many things would naturally have flowed from them, to disprove the practice and assertions of the framers of them ; yet it was very evident, that they carried such a kind of reason with them as would prevail over the understandings of the people ; and that the king, by not consenting to the cessation, as it was proposed by them, would be generally thought to have rejected any ; which could not but have an ill influence upon his affairs: and therefore his majesty sent them, as soon as he had weighed this last message, which he well discerned was not formed to satisfy him, but to satisfy the people against him, an answer ; in which he explained the ill consequence of many of their assumptions, and enforced the importance of his former demands on the behalf of the people: however, he offered " to admit the cessation upon the matter of their own articles : so that he might not be understood to consent to any of those unjust and illegal powers which they exercised upon the subjects." But from henceforward the houses declined any farther argument and debate concerning the cessation : and directed their

committee "to expedite the treaty upon the propositions:" the particulars whereof being transacted in the beginning of the year 1643, I shall refer the narrative to the next book; intending in this only to comprehend the transactions to the end of 1642.

- 376 I am persuaded, if the king had, upon the receipt of the articles for the cessation, when they were first sent to him, frankly consented to it, it would have proved very much to his advantage; and that his army would very much have increased by it, and the other [been] impaired; and that it would have been very difficult for the parliament to have dissolved it, if once begun, or to have determined the treaty. But besides the reasons before mentioned, the consideration of the northern forces, and the restraining them within their old quarters who seemed to be in a condition of marching even to London itself, prevailed very far with the king; or rather, (which indeed was the grand reason, and rendered every other suggestion of weight,) the jealousy that they did not intend to consent to or admit any peace, but such a one as his majesty might not admit, made all the preliminary debates the more insisted on.

- 377 Before I conclude this book, I cannot but insert one particular, which by some men may hereafter be thought of some signification. It was now the time of the year, when, by the custom of the kingdom, the king's judges itinerant used to go their circuits throughout England and Wales, to administer justice to the people; and to inquire into all treasons, felonies, breaches of the peace, and other misdemeanours, which were any where [committed] contrary to the known laws; and who were sworn to judge according to those known laws, the study and knowledge whereof was their profession.

- 378 The lords and commons now sent to the king a special message,

379 “To advise, and desire him, that, in regard of the present distractions, which might hinder both the judges and the people from resorting to those places where such meetings might be appointed, the assizes and gaol-delivery might not be holden; but that it might be deferred, until it should please God to restore peace unto his people.”

380 The king returned them answer; “that the present bloody distractions of the kingdom, which he had used all possible means to prevent, and would still to remove, did afflict his majesty under no consideration more, than of the great interruption and stop it made in the course and proceedings of justice, and the execution of the laws; whereby his good subjects were robbed of the peace and security they were born to. And therefore, as much as in him lay, he would advance that only means of their happiness; at least, they should see that their sufferings that way proceeded not from his majesty; and since they might now expect, by the laws, statutes, and customs of the kingdom, the assizes and general gaol-delivery in every county, his majesty thought not fit to command the contrary; but would take severe and precise order, that none of his subjects should receive the least prejudice, as they repaired thither, by any of his forces, which rule he should be glad to see observed by others. And then he hoped, by the execution of the laws, even those public calamities might have some abatement, and the kingdom recover its former peace and prosperity.”

381 But this answer was not more satisfactory than [others] they [had] usually received from him; and therefore they betook themselves to their old tried weapon, and made an ordinance, “that all judges, and justices of assize and nisi prius, and justices of oyer and terminer, and gaol-delivery, should forbear to execute any of their said commissions, or to hold or keep any assizes, or gaol-delivery, at any time during that Lent vacation; as they would answer the contempt and neglect thereof before the lords and commons in parliament.” And this was the first avowed interruption and suspension of the public justice that happened, or that was known ever before in that kind; and gave the people occasion to believe,

that what the parliament did (what pretence soever there was of fundamental laws) was not so warrantable by that rule, since they laboured so much to suppress that inquisition. It was not in the king's power to help this; for besides that the example of judge Mallet, who, the circuit before, had been forcibly taken from the bench by a troop of horse, as is before remembered, terrified all the judges, (and there were very few counties in England in which they could have been secure from the like violence,) the records, upon which the legal proceedings were to be, were at London; and so the exercise of the law ceased throughout the kingdom, save only in some few counties, whither the king sent some judges of assize, and into others, his commissions of oyer and terminer; by virtue whereof the earl of Essex and many others were as legally attainted of high treason as the wisdom of our ancestors could direct. And thus ended the year 1642.

³⁸² In this place, and before we mention the treaty which shortly ensued, (for in the time between the return of the commissioners to London, and the beginning of the treaty, this person [Mr. Hyde], whom we shall hereafter mention under the style of chancellor of the exchequer, was preferred to that office, and because it was about the end of the year [1642-3], it being in February when he was sworn a privy-counsellor,) we shall set down the state of the court and the state of the kingdom at this time, the names of those privy-counsellors who attended the king, or were in his service, and the names of those who were likewise of the council, but stayed and acted with the parliament against the king; and likewise the temper of the kingdom at that season, as it was possessed and made useful to either party; and then it will easily appear how little motive any man could have from interest or ambition, who was not carried by the impulsion of conscience and consi-

deration of duty, to engage himself in the quarrel on the king's side.

383 The lord Littleton was keeper of the great seal of England, of whom so much hath been said before, that there is no need of enlargement upon him in this place. His parts, which in the profession of the law were very great, were not very applicable to the business now in hand; and though, from the time of the king's coming to Oxford, the king had confidence enough in him to leave the seal in his custody, and he would have been glad to have done any service; his very ill fortune had drawn so great a disesteem upon him from most men, that he gave little reputation to the council, and had little authority in it. He was exceedingly glad that his friend the chancellor of the exchequer was become a member of it.

384 The duke of Richmond, as he was of the noblest extraction, being nearest allied to the king's person of any man who was not descended from king James; so he was very worthy of all the grace and favour the king had shewed him; who had taken great care of his education, and sent him into France, Italy, and Spain, where he was created a grandee of that kingdom; and as soon as he returned, though he was scarce one and twenty years of age, made him a privy-counsellor; and shortly after, out of his abundant kindness to both families, married him to the sole daughter of his dead favourite, the duke of Buckingham; with whom he received twenty thousand pounds in portion; and his majesty's bounty was likewise very great to him; so that, as he was very eminent in his title, so he was at great ease in his fortune. He was a man of very good parts, and an excellent understanding; yet, which is no common infirmity, so diffident of himself, that he was sometimes led by men who judged much worse. He was of a great and haughty spirit, and so punctual in point

of honour, that he never swerved a tittle. He had so entire a resignation of himself to the king, that he abhorred all artifices to shelter himself from the prejudice of those, who, how powerful soever, failed in their duty to his majesty; and therefore he was pursued with all imaginable malice by them, as one that would have no quarter upon so infamous terms as but looking on whilst his master was ill used. As he had received great bounties from the king, so he sacrificed all he had to his service as soon as his occasions stood in need of it, and lent his majesty at one time twenty thousand pounds together; and, as soon as the war began, engaged his three brothers, all gallant gentlemen, in the service; in which they all lost their lives. Himself lived, with unspotted fidelity, some years after the murder of his master, and was suffered to put him into his grave; and shortly after died, without the comfort of seeing the resurrection of the crown.

385 The marquis of Hertford was a man of great honour and fortune, and interest in the affection of the people; and had always undergone hard measure from the court, where he received no countenance, and had no design of making advantage from it. For though he was a man of very good parts, and conversant in books, both in [the] Latin and Greek languages, and of a clear courage, of which he had given frequent evidence; yet he was so wholly given up to a country life, where he lived in splendour, that he had an aversion, and even an unaptness, for business: besides his particular friendship with the earl of Essex, whose sister he had married, his greatest acquaintance and conversation had been with those who had the reputation of being best affected to the liberty of the kingdom, and least in love with the humour of the court; many of whom were the chief of those who engaged themselves most factiously and furiously against the king. But as soon as he discerned

their violent purposes against the government established, before he suspected their blacker designs, he severed himself from them, and from the beginning of the parliament never concurred with them in any one vote dishonourable to the king, or in the prosecution of the earl of Strafford. He did accept the government of the prince of Wales, as is mentioned before, purely out of obedience to the king; and, no doubt, it was a great service; though for the performance of the office of a governor he never thought himself fit, nor meddled with it. He left York, as is remembered, to form an army for the king in the west, where his interest was; but he found those parts so corrupted, and an army from the parliament was poured down so soon upon him, that there was nothing for the present to be done worthy of his presence; so that he sent the small party that was with him farther west to Cornwall; where by degrees they grew able to raise an army, with which they joined with him afterwards again; and himself returned to the king at Oxford about the time when the treaty began.

386 The earl of Southampton was indeed a great man in all respects, and brought very much reputation to the king's cause. He was of a nature much inclined to melancholy, and being born a younger brother, and his father and his elder brother dying upon the point together, whilst he was but a boy, he was much troubled to be called *my lord*, and with the noise of attendance; so much he then delighted to be alone. Yet he had a great spirit, and exacted the respect that was due to his quality; he had never had any conversation in the court, nor obligation to it. On the contrary, he had undergone some hardness from it; which made it believed that he would have been ready to have taken all occasions to have been severe towards it. And therefore, in the beginning of the parliament, no man was more courted by the managers of those designs. He had great dislike

of the high courses which had been taken in the government, and a particular prejudice to the earl of Strafford for some exorbitant proceedings; but as soon as he saw the ways of reverence and duty towards the king declined, and the prosecution of the earl of Strafford to exceed the limits of justice, he opposed them vigorously in all their proceedings. He was a man of a great sharpness of judgment, a very quick apprehension, and that readiness of expression upon any sudden debate, that no man delivered himself more advantageously and weightily, and more efficaciously with the hearers; so that no man gave them more trouble in his opposition, or drew so many to a concurrence with him in opinion. He had no relation to or dependence upon the court, or purpose to have any; but wholly pursued the public interest. It was long before he could be prevailed with to be a counsellor, and longer before he would be admitted to be of the bed-chamber; and received both honours the rather, because, after he had refused to take a protestation, which both houses had ordered to be taken by all their members, they had likewise voted, that no man should be capable of any preferment in church or state who refused to take the same; and he would shew how much he contemned those votes. He went with the king to York; was most solicitous, as hath been said, for the offer of peace at Nottingham; and was then with him at Edge-hill; and so came and stayed with him at Oxford to the end of the war, taking all opportunities to advance all motions towards peace; and as no man was more punctual in performing his own duty, so no man had more melancholic apprehensions of the issue of the war; which is all shall be said of him in this place, there being frequent occasions to mention him in the continuance of this discourse, there being always a fast friendship between him and the chancellor of the exchequer, which lasted to his death.

387 The earl of Leicester was a man of great parts, very con-

versant in books, and much addicted to the mathematics; and though he had been a soldier, and commanded a regiment in the service of the States of the United Provinces, and was afterwards employed in several embassies, as in Denmark and in France, was in truth rather a speculative than a practical man; and expected a greater certitude in the consultation of business than the business of this world is capable of: which temper proved very inconvenient to him through the course of his life. He was, after the death of the earl of Strafford, by the concurrent kindness and esteem both of king and queen, called from his embassy in France to be lieutenant of the kingdom of Ireland, and in a very short time after unhappily lost that kindness and esteem; and being about the time of the king's coming to Oxford ready to embark at Chester for the execution of his charge, he was required to attend his majesty, for farther instructions, at Oxford; where he remained; and though he was of the council, and sometimes present, he desired not to have any part in the business, and lay under many reproaches and jealousies which he deserved not; for he was a man of honour and fidelity to the king, and his greatest misfortunes proceeded from the staggering and irresolution in his nature,

388 The earl of Bristol was a man of a grave aspect, of a presence that drew respect, and of long experience in affairs of great importance. He had been, by the extraordinary favour of king James to his person (for he was a very handsome man) and his parts, which were naturally great, and had been improved by a good education at home and abroad, sent ambassador into Spain before he was thirty years of age; and afterwards in several other embassies; and at last, again into Spain; where he treated and concluded the marriage between the prince of Wales and that infanta, which was afterwards dissolved. He was by king James made of the privy

council, vice-chamberlain of the household, an earl, and a gentleman of the bedchamber to the prince, and was then crushed by the power of the duke of Buckingham, and the prejudice the prince himself had contracted against him during his highness's being in Spain; upon which he was imprisoned upon his return; and after the duke's death, the king retained so strict a memory of all his friendships and displeasures, that the earl of Bristol could never recover any admission to the court; but lived in the country, in ease and plenty in his fortune, and in great reputation with all who had not an implicit reverence for the court; and before, and in the beginning of the parliament, appeared in the head of all the discontented party; but quickly left them when they entered upon their unwarrantable violences, and grew so much into their disfavour, that after the king was gone to York, upon some expressions he used in the house of peers in debate, they committed him to the Tower; from whence being released in two or three days he made haste to York to the king, who had before restored him to his place in the council and the bedchamber. He was with him at Edge-hill, and came with him from thence to Oxford; and at the end of the war went into France, where he died; that party having so great an animosity against him, that they would not suffer him to live in England, nor to compound for his estate, as they suffered others to do who had done them more hurt. Though he was a man of great parts, and a wise man, yet he had been for the most part single, and by himself, in business, which he managed with good sufficiency; and had lived little in consort; so that in council he was passionate and supercilious, and did not bear contradiction without much passion, and was too voluminous a discourser; so that he was not considered there with much respect; to the lessening whereof no man contributed more than

his son, the lord Digby; who shortly after came to sit there as secretary of state, and had not that reverence for his father's wisdom (he failed not in his piety towards him) which his great experience deserved.

389 The earl of Newcastle was a person well bred, and of a full and plentiful fortune; and had been chosen by the king to be governor to the prince of Wales, and made of the council, and resigned that office of governor to the marquis of Hertford for the reasons which have been mentioned. He was not at Oxford, but remained at Newcastle with the king's commission to be general of those parts, being a man of great courage and signal fidelity to the crown of whom there will be more occasion hereafter to enlarge.

390 The earl of Berkshire was of the council, but not yet at Oxford; having been, about or before the setting up of the standard, taken prisoner in Oxfordshire, and committed to the Tower, upon an imagination that he had some purpose to have executed the commission of array in that county; but they afterwards set him at liberty, as a man that could do them no harm any where; and then he came to Oxford, with the title and pretences of a man who had been imprisoned for the king, and thereby merited more than his majesty had to give. His affection for the crown was good; his interest and reputation less than any thing but his understanding.

391 The lord Dunsmore had been made a privy-counsellor after so many who had deserved worse had been called thither, to make an atonement; which failing, he could not be refused, who was ready to do whatever he was directed: he was a man of a rough and tempestuous nature, violent in pursuing what he wished, without judgment or temper to know the way of bringing it to pass; however, he had some kind of power with froward discontented men: at least he had credit to make t

more indisposed. But his greatest reputation was, that the earl of Southampton married his daughter, who was a beautiful and a worthy lady.

392 The lord Seymour, being brother to the marquis of Hertford, was a man of interest and reputation; he had been always very popular in the country; where he had always lived out of the grace of the court; and his parts and judgment were best in those things which concerned the good husbandry and the common administration of justice to the people. In the beginning of the parliament, he served as knight of the shire for Wiltshire, where he lived; and behaving himself with less violence in the house of commons than many of his old friends did, and having a great friendship for the earl of Strafford, he was, by his interposition, called to the house of peers; where he carried himself very well in all things relating to the crown; and when the king went to York, he left the parliament, and followed his majesty, and remained firm in his fidelity.

393 The lord Savile was likewise of the council, being first controller and then treasurer of the household, in recompense of his discovery of all the treasons and conspiracies, after they had taken effect, and could not be punished. He was a man of an ambitious and restless nature; of parts and wit enough; but in his disposition and inclination so false, that he could never be believed or depended upon. His particular malice to the earl of Strafford, which he had sucked in with his milk, (there having always been an immortal feud between the families; and the earl had shrewdly overborne his father,) had engaged him with all persons who were willing, and like to be able, to do him mischief. And so, having opportunity, when the king was at the Berks, and made the first unhappy pacification, to enter into conversation and acquaintance with those who were then employed as commissioners from the Scots, there was a secret intel-

ligence entered into between them from that time ; and he was a principal instrument to engage that nation to march into England with an army, which they did the next year after. To which purpose he sent them a letter signed with the names of several of the English nobility, inviting them to enter the kingdom, and making great promises of assistance ; which names were forged by himself, without the privity of those who were named. And when all this mischief was brought to pass, and he found his credit in the parliament not so great as other men's, he insinuated himself into credit with somebody who brought him to the king or queen, to whom he confessed all he had done to bring in the Scots, and who had conspired with him, and all the secrets he knew, with a thousand protestations "to repair all by future loyalty and service;" for which he was promised a white staff, which the king had then resolved to take from sir Henry Vane, who held it with the secretary's office ; which he had accordingly ; though all his discovery was of no other use, than that the king knew many had been false whom he could not punish, and some, whom he could not suspect. When the king came to York, where this lord's fortune and interest lay, his reputation was so low, that the gentlemen of interest, who wished well to the king's service, would not communicate with him ; and, after the king's remove from thence, the earl of Newcastle found cause to have such a jealousy of him, that he thought it necessary to imprison him ; and afterwards sent him to Oxford ; where he so well purged himself, that he was again restored to his office. But in the end he behaved himself so ill, that the king put him again out of his place, and committed him to prison, and never after admitted him to his presence ; nor would any man of quality ever after keep any correspondence with him.

394. Of the lord Falkland and sir John Colepepper there

hath been so much said before, that there is no occasion to add to it in this place. There will be reason too soon to lament the unhappy death of the former; and the latter, who never failed in his fidelity, will be very often mentioned throughout the ensuing discourse.

395 Secretary Nicholas was a very honest and industrious man, and always versed in business; which few of the others were or had been. After some time spent in the university of Oxford, and then in the Middle Temple, he lived a year, or thereabouts, in France; and was then secretary to the lord Zouch, who was a privy counsellor, and warden of the cinque ports; and thereby he understood all that jurisdiction, which is very great, and exclusive to the admiral. And when that lord, many years after, surrendered that office to the king, to the end that it might be conferred upon the duke of Buckingham, his secretary was likewise preferred with the office; and so, in a short time, became both secretary of the admiralty as well as of the cinque [ports], and was entirely trusted and esteemed by that great favourite. After his death, he continued in the same place whilst the office was in commission, and was then made clerk of the council, from whence the king called him to be secretary of state after secretary Windebank fled the kingdom; upon his [majesty's] own observation of his virtue and fidelity, and without any other recommendation: and he was in truth, throughout his whole life, a person of very good reputation and of singular integrity.

396 There remain only two of the council then at Oxford who are not yet named, sir John Banks, who had been attorney general, and was then chief justice of the common pleas, a grave and a learned man in the profession of the law; and sir Peter Wych, who had been ambassador at Constantinople; from whence he returned very little before the troubles, and gratified sir Thomas Jermyn very liberally for his white staff, when the court was very

low, and so was made a privy-counsellor and controller of the household. He was a very honest, plain man; and died very shortly after the treaty, and was succeeded by sir Christopher Hatton, a person of great reputation at that time, which in few years he found a way utterly to lose.

397 This was the state of the king's council at Oxford when Mr. Hyde was made chancellor of the exchequer; and amongst them there were not many who had been acquainted with the transaction of business, at least with business of that kind which they were then to be incumbent to; and from the first entrance into the war the soldiers did all they could to lessen the reverence that was due to them, thinking themselves the best judges of all counsels and designs, because they were for the most part to execute them: but they neither designed well nor executed, and it may be executed the worse, because they had too great a power in the designing; the king himself too much inclining to them, out of too little esteem of many of his counsellors. At that time the king's quarters were only between Oxford and Reading, and some miles on the other side to Banbury, and the town of Newcastle in the north, and Pendennis in the west of Cornwall; but in some months after they were extended as far as Chester upon the Severn; and the earl of Newcastle reduced all to York, and drove all who professed for the parliament into Hull; and sir Ralph Hopton, with the assistance of sir Nicholas Slanning, Arundel, and Trevannion, made themselves masters of Cornwall, and afterwards advanced farther towards a conjunction with the king.

398 And here it will not be amiss to look back, and take a view of those persons who were of the king's council, and had deserted his service, and stayed in the parliament to support the rebellion; and of the parliament's strength and power at that time in and over the kingdom. The

earl of Northumberland may well be reckoned the chief of them, in respect of the antiquity and splendour of his family, his great fortune and estate, and the general reputation he had amongst the greatest men, and his great interest, by being high admiral of England. Though he was of a family that had lain under frequent blemishes of want of fidelity to the crown, and his father had been long a prisoner in the Tower, under no less a suspicion than of having some knowledge of the gunpowder treason; and after he was set at liberty, by the mediation and credit of the earl of Carlisle, who had, without and against his consent, married his daughter, he continued, to his death, under such a restraint, that he had not liberty to live and reside upon his northern estate: yet his father was no sooner dead, than the king poured out his favours upon him in a wonderful measure: he began with conferring the order of the garter upon him, and shortly after made him of his privy-council; when a great fleet of ships was prepared, by which the king meant that his neighbour princes should discern that he meant to maintain and preserve his sovereignty at sea, he sent the earl of Northumberland admiral of that fleet, a much greater than the crown had put to sea since the death of queen Elizabeth, that he might breed him for that service before he gave him a more absolute command. And after he had in that capacity exercised himself a year or two, he made him lord high admiral of England; which was such a quick succession of bounties and favours, as had rarely befallen any man who had not been attended with the envy of a favourite. He was in all his deportment a very great man, and that which looked like formality was a punctuality in preserving his dignity from the invasion and intrusion of bold men, which no man of that age so well preserved himself from. Though his notions were not large or deep, yet his temper, and reservedness in discourse, and his unrashness in speaking, got him the

reputation of an able and a wise man ; which he made evident in the excellent government of his family, where no man was more absolutely obeyed ; and no man had ever fewer idle words to answer for ; and in debates of importance he always expressed himself very pertinently. If he had thought the king as much above him as he thought himself above other considerable men, he would have been a good subject ; but the extreme undervaluing those, and not enough valuing the king, made him liable to the impressions which they who approached him by those addresses of reverence and esteem, which usually insinuate themselves into such natures, made in him. And so, after he was first prevailed upon not to do that which in honour and gratitude he was obliged to, (which is a very pestilent corruption,) he was with the more facility led to concur in what, in duty and fidelity, he ought not to have done, and which at first he never intended to have done. And so he concurred in all the counsels which produced the rebellion, and stayed with them to support it ; which is as much as is necessary to say of him in this place, since there will be often occasion hereafter to mention him with some enlargement.

399 The earl of Pembroke hath been enough mentioned in a better conjuncture of time, when his virtues were thought greater than they were, and his vices very little discerned. Yet, by what was then said, his nature and his parts might be well enough understood ; and as neither the one or the other were improveable, so they were liable to be corrupted by any assaults ; his understanding being easy to be imposed upon, and his nature being made up of very strong passions. Whilst there was tranquillity in the kingdom, he enjoyed his full share in pomp and greatness ; the largeness and plentifulness of his fortune being attended with reverence and dependence from the people where his estate and interest lay, and where indeed he was a great man ; getting an

affection and esteem from persons who had no dependence upon him by his magnificent living, and discoursing highly of justice and of the protestant religion; inveighing bitterly against popery, and telling what he used to say to the king; and speaking frankly of the oversights of the court, that he might not be thought a slave to it. He had been bred from his cradle in the court; and had that perfection of a courtier, that as he was not wary enough in offending men, so he was forward in acknowledging it, even to his inferiors, and to impute it to his passion, and ask pardon for it; which made him to be thought a well-natured man. Besides, he had a choleric office, which entitled him to the exercise of some rudenesses, and the good order of the court had some dependence upon his incivilities.

400 There were very few great persons in authority who were not frequently offended by him, by sharp and scandalous discourses, and invectives against them, behind their backs; for which they found it best to receive satisfaction by submissions and professions and protestations, which was a coin he was plentifully supplied with for the payment of all those debts; and his infirmities were so generally known, that men did not think they could suffer in their reputations by any thing he said; whilst the king retained only some kindness for him, without any value and esteem of him. But, from the beginning of the parliament, when he saw and heard a people stout enough to inveigh against the [king's] authority, and to fall upon those persons whom he had always more feared than loved; and found that there were two armies in the kingdom, and that the king had not the entire command of either of them; when the decrees of the star-chamber, and the orders and acts of the council, in all which he had concurred, (as his concurrence was all that he had contributed towards any counsel,) were called in question, and like to be

made penal to those who would not redeem their past errors by future service ; his fear, which was the passion always predominant in him above all his choler and rage, prevailed so far over him, that he gave himself up into the hands of the lord Say, to dispose of him as he thought fit, till the king took the white staff from him, and disposed it to the earl of Essex, as hath been related at large before.

401 From this time, he took himself to be absolved from all obligations and dependence upon the court, which he had lived too long in to be willing to quit; and therefore the more closely adhered to them by whose power he thought he might get thither again ; and, for some time, entertained the hope of obtaining the other superior white staff; which remained then in the king's hand by the departure of the earl of Arundel into the parts beyond the seas. But when he saw that staff given to the duke of Richmond, who was then made [lord] steward of the household, he gave over those weak imaginations, and concurred roundly in all the lord Say proposed : and was so weak still, as to believe they never meant to rebel against the king, or that the king could long subsist without putting himself into their hands. When they had any thing to do in the west, as the exercise of the militia, or executing any other ordinance, they sent him into the country, and shewed him to the people, under the conduct of two or three members of the house, in whom they could confide ; and he talked “ of the king's evil counsellors, who carried him from his parliament ; and of the malignants ; and against scandalous ministers ;” whilst none of his old friends came near him. And when they were resolved no longer to trust the Isle of Wight in the hands of the earl of Portland, who had been long the king's governor there, and had an absolute power over the affections of that people, they preferred the poor earl of Pembroke to it

by an ordinance of parliament; who kindly accepted it, as a testimony of their favour; and so got into actual rebellion, which he never intended to do. It is pity to say more of him, and less could not be said to make him known, if any thing were necessary; and it cannot be avoided to mention him again hereafter, there being particular passages between him and the chancellor of the exchequer, who had great kindness for him whilst he had any hope of reclaiming him, and even when that was desperate was never without a desire to serve him, having been formerly beholding to him for many civilities when there was so great a distance between their conditions.

402 The earl of Essex hath been enough mentioned before; his nature and his understanding have been described; his former disobligations from the court, and then his introduction into it, and afterwards his being displaced from the office he held in it, have been set forth; and there will be occasion, hereafter, to renew the discourse of him; and therefore it shall suffice, in this place, to say, that a weak judgment, and a little vanity, and as much of pride, will hurry a man into as unwarrantable and as violent attempts as the greatest and most unlimited and insatiable ambition will do. He had no ambition of title or office or preferment, but only to be kindly looked upon and kindly spoken to, and quietly to enjoy his own fortune: and, without doubt, no man in his nature more abhorred rebellion than he did, nor could he have been led into it by any open or transparent temptation, but by a thousand disguises and cozenages. His pride supplied his want of ambition, and he was angry to see any other man more respected than himself, because he thought he deserved it more, and did better requite it. For he was in his friendships just and constant, and would not have practised foully against those he took to be enemies. No man had credit

enough with him to corrupt him in point of loyalty to the king whilst he thought himself wise enough to know what treason was. But the new doctrine, and distinction of allegiance, and of the king's power in and out of parliament, and the new notions of ordinances, were too hard for him, and did really intoxicate his understanding, and made him quit his own, to follow theirs, who, he thought, wished as well, and judged better than himself. His vanity disposed him to be *his excellence*; and his weakness, to believe that he should be the general in the houses as well as in the field, and be able to govern their counsels and restrain their passions as well as to fight their battles; and that by this means he should become the preserver, and not the destroyer, of the king and kingdom. And with this ill-grounded confidence he launched out into that sea where he met with nothing but rocks and shelves, and from whence he could never discover any safe port to harbour in.

403 The earl of Salisbury had been born and bred in court, and had the advantage of a descent from a father and a grandfather who had been very wise men, and great ministers of state in the eyes of Christendom; whose wisdom and virtues died with them, and their children only inherited their titles. He had been admitted of the council to king James; from which time he continued so obsequious to the court, that he never failed in over-acting all that he was required to do. No act of power was ever proposed which he did not advance, and execute his part with the utmost rigour. No man so great a tyrant in his country, or was less swayed by any motives of justice or honour. He was a man of no words, except in hunting and hawking, in which he only knew how to behave himself. In matters of state and council he always concurred in what was proposed for the king, and cancelled and repaired all those transgressions by

concurring in all that was proposed against him as soon as any such propositions were made. Yet when the king went to York, he likewise attended upon his majesty; and at that distance seemed to have recovered some courage, and concurred in all counsels which were taken to undeceive the people, and to make the proceedings of the parliament odious to all the world. But on a sudden he caused his horses to attend him out of the town, and having placed fresh ones at a distance, he fled back to London, with the expedition such men use when they are most afraid; and never after denied to do any thing that was required of him; and when the war was ended, and Cromwell had put down the house of peers, he got himself to be chosen a member of the house of commons, and sat with them as of their own body, and was esteemed accordingly. In a word, he became so despicable to all men, that he will hardly ever enjoy the ease which Seneca bequeathed to him; *Hic egregiis majoribus ortus est, qualiscunque est, sub umbra suorum lateat; ut loca sordida repercussa sole illustrantur, ita inertes majorum suorum luce resplendant.*

404 The earl of Warwick was of the king's council too, but was not wondered at for leaving the king, whom he had never served; nor did he look upon himself as obliged by that honour, which he knew was conferred upon him in the crowd of those whom his majesty had no esteem of, or ever purposed to trust; so his business was to join with those to whom he owed his promotion. He was a man of a pleasant and companionable wit and conversation; of an universal jollity; and such a license in his words and in his actions, that a man of less virtue could not be found out: so that a man might reasonably have believed, that a man so qualified would not have been able to have contributed much to the overthrow of a nation and kingdom. But with all these faults, he had great authority and credit with that people

who in the beginning of the troubles did all the mischief; and by opening his doors, and making his house the rendezvous of all the silenced ministers in the time when there was authority to silence them, and spending a good part of his estate, of which he was very prodigal, upon them, and by being present with them at their devotions, and making himself merry with them, and at them, which they dispensed with, he became the head of that party; and got the style of a godly man. When the king revoked the earl of Northumberland's commission of admiral, he presently accepted the office from the parliament; and never quitted their service; and when Cromwell disbanded that parliament, he betook himself to the protection of the protector; married his heir to his daughter; and lived in so entire a confidence and friendship with him, that when he died he had the honour to be exceedingly lamented by him; and left his estate, which before was subject to a vast debt, more improved and repaired than any man who trafficked in that desperate commodity of rebellion.

405 The earl of Holland had grown up under the shadow of the court, and had been too long a counsellor before, and contributed too much to the counsels which had most prejudiced the crown, to decline waiting upon it when it needed attendance. But he chose to stay with the parliament; and there hath been enough said of him before, and more must be said hereafter. And therefore it shall suffice now to say, that there was a very froward fate attended all or most of the posterity of that bed, from whence he and his brother of Warwick had their original; though he, and some others amongst them, had many very good parts and excellent endowments.

466 The earl of Manchester, of the whole cabal, was in a thousand respects most unfit for the company he kept. He was of a gentle and a generous nature; civilly bred; had reverence and affection for the person of the king,

upon whom he had attended in Spain; loved his country with too unskilful a tenderness; and was of so excellent a temper and disposition, that the barbarous times, and the rough parts he was forced to act in them, did not wipe out or much deface those marks: insomuch as he was never guilty of any rudeness towards those he was obliged to oppress, but performed always as good offices towards his old friends, and all other persons, as the iniquity of the time, and the nature of the employment he was in, would permit him to do; which kind of humanity could be imputed to very few.

407 And he was at last dismissed, and removed from any trust, for no other reason, but because he was not wicked enough. He married first into the family of the duke of Buckingham, and by his favour and interest was called to the house of peers in the life of his father, and made baron of Kimbolton, though he was commonly treated and known by the name of the lord Mandevile; and was as much addicted to the service of the court as he ought to be. But the death of his lady and the murder of that great favourite, his second marriage with the daughter of the earl of Warwick, and the very narrow and restrained maintenance which he received from his father, and which would in no degree defray the expenses of the court, forced him too soon to retire to a country life, and totally to abandon both the court and London; whither he came very seldom in many years. And in this retirement, the discountenance which his father underwent at court, the conversation of that family into which he was now married, the bewitching popularity which flowed upon him with a wonderful torrent, with the want of those guards which a good education should have supplied him with, by the clear notion of the foundation of the ecclesiastical as well as the civil government, made a great impression upon his understanding, (for his nature was never corrupted, but remained still in its integrity,)

and made him believe that the court was inclined to hurt and even to destroy the country; and from particular instances to make general and dangerous conclusions. They who had been always enemies to the church prevailed with him to lessen his reverence for it, and having not been well instructed to defend it, he yielded too easily to those who confidently assaulted it; and thought it had great errors which were necessary to be reformed; and [that] all means are lawful to compass that which is necessary. Whereas the true logic is, that the thing desired is not necessary if the ways are unlawful which are proposed to bring it to pass. No man was courted with more application by persons of all conditions and qualities; and his person was not less acceptable to those of steady and uncorrupted principles than to those of depraved inclinations. And in the end, even his piety administered some excuse to him; for his father's infirmities and transgressions had so far exposed him to the inquisition of justice, that he found it necessary to procure the assistance and protection of those who were strong enough to violate justice itself; and so he adhered to those who were best able to defend his father's honour, and thereby to secure his own fortune; and concurred with them in their most violent designs, and gave reputation to them. And the court as unskilfully took an occasion too soon to make him desperate by accusing him of high treason, when (though he might be guilty enough) he was without doubt, in his intentions at least, as innocent as any of the leading men.

408 And it is some evidence that God Almighty saw his heart was not so malicious as the rest, that he preserved him to the end of the confusion; when he appeared as glad of the king's restoration, and had heartily wished it long before, and very few who had a hand in the contrivance of the rebellion gave so manifest tokens of repentance as he did; and having for many years under-

gone the jealousy and hatred of Cromwell, as one who abominated the murder of the king, and all the barbarous proceedings against the lives of men in cold blood; the king upon his return received him into grace and favour, which he never forfeited by any undutiful behaviour.

409 The last of those counsellors which were made after the faction prevailed in parliament, who were all made to advance an accommodation, and who adhered to the parliament, was the lord Say; a man who had the deepest hand in the original contrivance of all the calamities which befell [this] unhappy kingdom, though he had not the least thought of dissolving the monarchy, and less of levelling the ranks and distinctions of men. For no man valued himself more upon his title, or had more ambition to make it greater, and to raise his fortune, which was but moderate for his title. He was of a proud, morose, and sullen nature; conversed much with books, having been bred a scholar, and (though nobly born) a fellow of New College in Oxford; to which he claimed a right by the alliance he pretended to have from William of Wickham, the founder; which he made good by such an unreasonable pedigree, through so many hundred years, half the time whereof extinguishes all relation of kindred. However, upon that pretence, that college hath been seldom without one of that lord's family. His parts were not quick, but so much above those of his own rank, that he had always great credit and authority in parliament; and the more, for taking all opportunities to oppose the court; and [he] had with his milk sucked in an implacable malice against the government of the church. When the duke of Buckingham proposed to himself, after his return with the prince from Spain, to make himself popular by breaking that match, and to be gracious with the parliament, as for a short time he was, he resolved to embrace the friendship of the lord Say; who was as

solicitous to climb by that ladder. But the duke quickly found him of too imperious and pedantical a spirit, and to affect too dangerous mutations; and so cast him off; and from that time he gave over any pursuit in court, and lived narrowly and sordidly in the country; having conversation with very few, but such who had great malignity against the church and state, and fomented their inclinations, and gave them instructions how to behave themselves with caution, and to do their business with most security; and was in truth the pilot, that steered all those vessels which were freighted with sedition to destroy the government.

410 He found always some way to make professions of duty to the king, and made several undertakings to do great services, which he could not, or would not, make good; and made haste to possess himself of any preferment he could compass, whilst his friends were content to attend a more proper conjuncture. So he got the mastership of the wards shortly after the beginning of the parliament, and was as solicitous to be treasurer after the death of the earl of Bedford; and, if he could have satisfied his rancour in any degree against the church, he would have been ready to have carried the prerogative as high as ever it was. When he thought there was mischief enough done, he would have stopped the current, and have diverted farther fury; but he then found he had only authority and credit to do hurt; none to heal the wounds he had given; and fell into as much contempt with those whom he had led, as he was with those whom he had undone.

411 The last of the counsellors who stayed with the parliament was sir Henry Vane; who had so much excuse for it, that, being thrown out of the court, he had no whither else to go; and promised himself to be much made of by them, for whose sakes only he had brought that infamy upon himself. He was of very ordinary

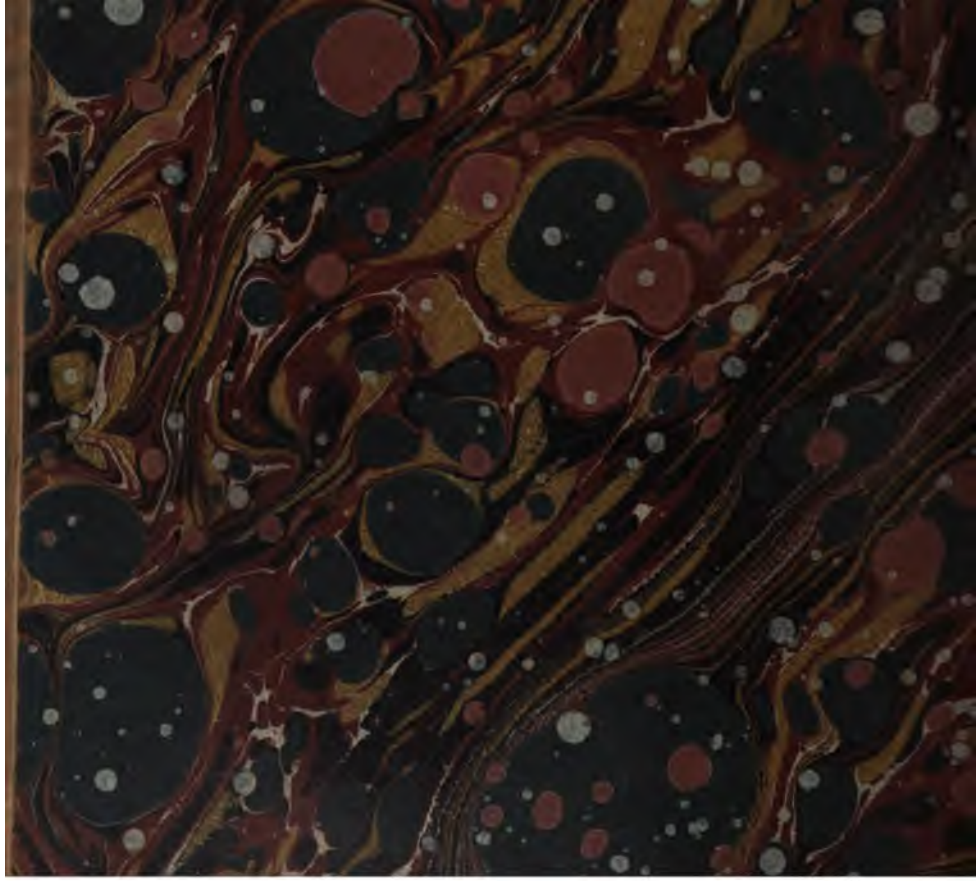
parts by nature, and he had not cultivated them at all by art; for he was illiterate. But being of a stirring and boisterous disposition, very industrious, and very bold, he still wrought [himself] into some employment. He had been acquainted with the vicissitudes of court, and had undergone some severe mortification, by the disfavour of the duke of Buckingham, in the beginning of the king's reign. But [the duke] was no sooner dead, (which made it believed that he had made his peace in his lifetime, for the king was not, in a long time after, reconciled to any man who was eminently in the duke's disfavour,) but he was again brought into the court, and made a counsellor, and controller of the household; which place he became well, and was fit for; and if he had never taken other preferment, he might probably [have] continued a good subject. For he had no inclination to change, and in the judgment he had, liked the government both of church and state; and only desired to raise his fortune, which was not great, and which he found many ways to improve. And he was wont to say, that he never had desired other preferment; and believed that marquis Hamilton, (with whom he had never kept fair quarter,) when he first proposed to him to be secretary of state, did it to affront him; well knowing his want of ability for the discharge of that office. But, without doubt, as the fatal preferring him to that place was of unspeakable prejudice to the king, so his receiving it was to his own destruction. His malice to the earl of Strafford (who had unwisely provoked him, wantonly, and out of contempt) transported him to all imaginable thoughts of revenge; which is a guest that naturally disquiets and tortures those who entertain it with all the perplexities they contrive for others; and that disposed him to sacrifice his honour and faith, and his master's interest, that he might ruin the earl, and was buried himself in the same ruin; for

which being justly chastised by the king, and turned out of his service, he was left to his own despair; and though he concurred in all the malicious designs against the king and against the church, he grew into the hatred and contempt of those who had made most use of him; and died a universal reproach, and not contemned more by any of his enemies than by his own son; who had been his principal conductor to destruction.

412 And we now pass to the transactions in the treaty itself, which was in the beginning of the year 1643.

THE END OF THE SIXTH BOOK.

END OF VOL. II.





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